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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Thank you, dear God, for new opportunities. We are grateful that the best is yet to be, that our labors are moving us closer to the desired destination. Thank You for landmarks past and new vistas opening ahead. Thank You for time to mend broken relationships, to form fresh alliances, and to build new bridges. Thank You for Senators with new hopes, new desires, new inspiration, and new determination to serve You with greater faithfulness. Lord, thank You for another day to abide with You so that we can reap the bountiful harvest found only in You.

And, Lord, today as we honor the law enforcement officers who lost their lives in the line of duty, comfort and bless their families and loved ones. Use the 26th annual National Peace Officers Memorial Service to remind us of the sacrifices our law enforcement people make each day to protect our freedom. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. DURBIN. Mr. President, today the Senate will be in a period of morning business for 60 minutes, with the majority controlling the first half and the Republicans controlling the second portion.

Following morning business, the Senate will resume consideration of the water resources legislation. Several amendments were offered to this bill yesterday, and this morning one of those amendments—the one offered by the Senator from Oklahoma, Mr. COBURN, No. 1090—will be debated until 11:45, and then a vote will occur with respect to that amendment.

The Senate will recess, as usual, from 12:30 to 2:15 for the party conferences. Other votes with respect to amendments to the water resources legislation will occur this afternoon.

As the majority leader mentioned yesterday, a lot of work needs to be done prior to the Memorial Day recess, so Members should plan accordingly.

The majority leader has offered two amendments on the issue of Iraq, and cloture votes will occur on those amendments on Wednesday.

Additionally, cloture was filed on the motion to proceed to the immigration

legislation. That vote will occur at a time to be determined on Wednesday.

I am certain every Member of the Senate is conscious of the fact that we have a Memorial Day recess fast approaching at the end of next week. We have an ambitious goal we hope to reach by that time. We hope to deal with these outstanding pieces of legislation and to, of course, provide supplemental appropriations for the war in Iraq.

At the outset, I will say that the Water Resources Development Act, which Senator BOXER of California and Senator INHOFE of Oklahoma will bring to the floor in a few moments, is a bill that has been pending before the Congress for, I believe, 7 years—at least 6 years. Our failure to enact this bill has delayed the construction of critical infrastructure across America for 6 or 7 years. This is infrastructure that is important to every part of America—in the Midwest, dams on the Mississippi and Illinois Rivers, which are vital arteries when it comes to agribusiness and other uses to create profitability and employment. All of these are in a state of disrepair, and we want to address the modernization and safety measures for these locks and dams and many other projects.

For 6 or 7 years, the debate has gone on unresolved. The House passed overwhelmingly the Water Resources Development Act. The Senate has the same opportunity, but we need to do it on a timely basis.

I thank the Senator from Oklahoma, who is offering an amendment this morning. I am told by the manager of the bill, Senator BOXER, that he has been cooperative in terms of reducing the debate time, giving enough time to explain his amendment, for others to speak to it, and bring it to a vote.

I urge every other Senator that this is the day; if you have an amendment to the Water Resources Development Act, bring it to the floor today. After 2:15, bring your amendments to the

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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floor. Let's have the debate and have the vote. By the end of the day, let's have all of the relevant amendments considered to this legislation. I think we owe it to the people who have worked so hard to bring us to this moment, and now individual Senators should know that, to delay this, there is no excuse. Bring the Water Resources Development Act amendments to the floor.

In addition, the majority leader filed two amendments relative to the war in Iraq, which will be considered on a procedural basis to this Water Resources Development Act. It is a way to measure the sentiment of the Senate on two different approaches to resolving our difficulties between the White House and Congress on the funding in Iraq. There will be a cloture vote on those amendments tomorrow. That is an opportunity for Members to express their feelings.

As everybody knows, it takes 60 votes to invoke cloture. We hope we will have a strong bipartisan vote for one of those two approaches. I urge my colleagues to understand this is a very important and timely matter. We have little time left to deal with the requirements of funding our troops before the Memorial Day recess. The Democratic majority, as well as the Republican side, has made it clear we will fund our troops. At the end of the day, our troops will not go without the resources they need to provide for their own safety and a safe return home.

Also, we hope this week to initiate a conversation on the immigration bill.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be now a period for the transaction of morning business for 60 minutes, with the first half of the time under the control of the majority and the second half of the time under the control of the Republicans.

The Senator from Illinois is recognized.

IMMIGRATION REFORM

Mr. DURBIN. Mr. President, it is obvious to most Americans our immigration system is broken. There are 12 million undocumented immigrants living in the United States today, and hundreds of thousands are arriving each year. In America today, unscrupulous employers hire undocumented immigrants because they can pay them less than American workers and force them to work in conditions that Americans would not tolerate. Employers can do this with impunity because our Government doesn't enforce immigra-

tion laws that prohibit hiring undocumented immigrants.

Immigration is a complicated issue that ignites strong passions. Some would rather avoid this issue because it is so sensitive. But Congress has an obligation to fix our broken immigration system. We need a comprehensive approach, one that is tough but fair. We need, first, to improve border security by increasing manpower and deploying new technology. We need to enforce the law against employers who are hiring millions of undocumented workers. We need a realistic approach to the 12 million undocumented workers who live and work in our country.

I commend our majority leader, Senator REID of Nevada. He is not afraid of tackling tough issues, including immigration reform. He knows it is an important national priority. Last week, Senator REID introduced immigration reform legislation that the Senate will begin debating this week. Senator REID did a reasonable thing. He said we should begin the debate where it ended last year, with the bipartisan Kennedy-McCain, Hagel-Martinez bill.

This bill, sponsored by Republican Senators CHUCK HAGEL, MEL MARTINEZ, ARLEN SPECTER, JOHN MCCAIN, SAM BROWNBACK, and LINDSEY GRAHAM, and many Democrats, passed the Senate last year on a bipartisan vote of 62 to 36.

Of course, that Hagel-Martinez bill was only the starting point for the Senate's debate. Senator REID has set aside 2 full weeks to complete that debate. Members will have ample opportunity to offer amendments. This is the right place to start.

This is not a perfect bill. I voted for it, realizing there were real imperfections, but it reflects the culmination of months of work last year, including hearings and marathon markups in the Judiciary Committee, on which I serve, and over 30 rollcall votes on the floor of the Senate.

The bill is flawed, but it is comprehensive. It includes provisions to secure our borders, strengthen enforcement of our immigration laws, and addresses undocumented immigrants living in our country.

I am confident that over the next 2 weeks, through the amendment process, we can improve this bill and pass legislation that will be an important step in fixing our broken immigration system.

Unfortunately, there has been a hue and cry from the other side of the aisle. Some object to debating this bill. It is ironic, to say the least, that those on the other side who don't want to debate bipartisan legislation are objecting to a bill written, in large part, by their own side of the aisle—a bill that was passed when the Republican side of the aisle controlled the Senate last year. It is hard to understand how 21 Members of the Senate who voted for this bill last year now object to even proceeding to it now as the base bill for our debate. They understand, as we do,

that this bill is going to change once it comes to the floor. If they object to even bringing the measure to the floor—the same bill they voted for last year—one has to question whether they are committed to comprehensive immigration reform.

Some on the Republican side argue that backroom negotiations between the White House and Republican and Democratic Senators are close to a deal and that starting debate on immigration before that deal is reached is premature. I don't think that is a legitimate argument. I have been in many of these negotiations, and I will say a great amount of effort has been expended to move this bill forward. Some parts of it are very positive. An agreement between the White House and the Senate is a step forward. There are some parts that are very controversial.

Human nature and political nature are interesting. People will not move toward a goal unless they face a deadline. How many people wait until the last minute to file their tax returns or wait too long for the checkup at the dentist? When we know we are facing a deadline and time is running out, we make important decisions. The same will be true for the immigration debate. Bringing last year's bill to the floor, which passed with an overwhelming bipartisan rollcall vote, as the base bill is going to move those negotiators in that room to a conclusion more quickly. To leave this open-ended and say that at some time in the future we will get back to it is an invitation for talks to break down and for the participants to disappear.

We don't want that to happen. We cannot afford to wait. The Senate's calendar is full this year. There are so many things we need to do to make sure this congressional session is much more productive than those in the past, not the least of which is passing important appropriation bills, which now must be accomplished in order to fund the Government. We don't want to fall into the same circumstance as the previous Republican Congress, when they failed to pass appropriation bills and tried to play catchup and failed, leaving it to the new Congress, the Democratic Congress—an awesome responsibility—to fund the Government for the remainder of this fiscal year.

There are some who feel it is now or never for immigration. What the majority leader has done is to tell the negotiators this is the time to wrap things up. This is the time to reach an agreement. This is the time to decide who at that table is there in good faith and who is there to stop the process. If they reach an agreement, it can be considered on the floor of the Senate as an amendment to the bipartisan Kennedy-McCain, Hagel-Martinez bill, which is being offered as the starting point of this debate. If there is no agreement, these differences can be debated and voted on over the next 2 weeks.

I understand negotiations continue as I speak. I hope they reach an agreement that is comprehensive, tough but fair, and one every Member can seriously consider supporting. But these negotiations are no excuse for avoiding public debate.

At some point, you have to move beyond the closed doors of the rooms in the Capitol and into the bright lights of the Senate Chamber and let Members speak to their wishes and their intentions on this important legislation.

I disagree with some of the ideas being proposed by those on the other side of the aisle. I am sure they disagree with some of my approaches. I respect their views, and I hope they will look at this as a constructive opportunity.

Should the Senate tomorrow fail to invoke cloture and to move forward on the immigration bill, it will be a lost opportunity. If the 21 Senators who voted for comprehensive immigration reform will not even allow us to bring the matter to the floor at this moment, it will be difficult to explain. They will have their chance to amend. They will have their chance to make changes they think are important. They will have their chance to act as Senators considering important measures.

There has been a lot of criticism of Congress for good reason. When we look at the list of issues the American people think are important, very seldom do we find those issues being debated on the floor of the Senate. We need to change that situation. One of the issues on which most Americans agree is that our immigration system cannot be sustained. There are too many undocumented workers in this country living in fear, being exploited in the workplace, uncertain of their future. There are too many still streaming across our borders, borders that are too porous. There are ways to deal with those issues and ways this bill will address them.

The Senate can offer, debate, and vote on amendments on all these issues. That is how the Senate is supposed to work. Some of my colleagues have suggested they will block this debate from taking place by filibustering this bipartisan bill which passed over the past year. I hope they don't. It reaches the point where we need to be held accountable. I hope that point will be this week and next, as Senator REID, the majority leader, has set aside a reasonable amount of time to debate it. The American people deserve more than closed-door, backdoor negotiations. The time has come for Congress to fix our broken immigration system.

IRAQ

Mr. DURBIN. Mr. President, time is running out to fund the troops. There are many of us who believe the policy in Iraq is a failed policy. The numbers we are given every week are stark and frightening: Over 3,370 American soldiers have now lost their lives in the

war in Iraq. Another five were killed yesterday. Over the weekend, three American soldiers were kidnapped. There is a manhunt underway to try to find them and rescue them as quickly as possible. And to all those involved, they have our prayers and our wishes for Godspeed.

But we understand the reality of this war, a war where almost 30,000 Americans have been killed or disabled, a war where many soldiers have returned home with injuries that they will have to cope with for a lifetime. This war has cost us over \$500 billion, \$500 billion that could have been spent in America for many issues important to us—improving our schools and education, making certain every American has basic health insurance, making sure our children all across America have the kind of health care and attention they need at an early age to be healthy through the rest of their life, money that could have been spent at the National Institutes of Health looking for new cures for diseases and illnesses from which we suffer in America. There are so many programs in which we could have invested that money.

Instead, we have invested that money in a war with no end, a war that is now in its fifth year. The war in Iraq has lasted longer than the Korean war, has lasted longer than World War II. It is the most expensive war in the history of the United States, save World War II, which was, in fact, a world war where the United States made a total national commitment. But we now find that second in rank in terms of cost is this war in Iraq.

There are many of us who understand that Americans across the board may have supported the initial invasion but had second thoughts. I was one of 23 who voted against this war at the outset in October 2002. There were colleagues on both sides of the aisle who in good faith thought the President should have the authority to deal with Saddam Hussein. They were misled, as the American people were misled by intelligence estimates that were just wrong, intelligence estimates that said Saddam Hussein had weapons of mass destruction and threatened the United States, fear of nuclear holocaust, fear of mushroom-shaped clouds. All of these images were paraded before the American people a short time after we had gone through the tragedy of 9/11. It is understandable the American people were concerned and fearful, and they supported the idea of invading Iraq in the hopes of keeping America safe.

We learned that in so many ways the information given to the American people before the invasion of Iraq was wrong. There were no weapons of mass destruction, there were no nuclear weapons, there was no connection between Saddam Hussein and the events of 9/11 that were sponsored by al-Qaida. But the invasion took place.

Many of us felt that once our soldiers were in the field, it was time to close

ranks behind them, stop the debate. They volunteered, they are serving our country, they didn't write this policy. They are risking their lives right now, and we should stand behind them. So many of us, even those who opposed this war and voted against it from the outset, voted year after year for the emergency appropriations President Bush sent to Congress, money for our troops in the field. Now we are in the fifth year, and there is no end in sight.

We have been told by our military leaders that even the best military in the world in the United States cannot save Iraq. Only the Iraqis can save Iraq. It has to be the Iraqi people through their Government who decide to move forward toward stability. We cannot police a civil war. We cannot contain the violence in Iraq even with 20,000, 30,000, 40,000 more American soldiers. That is a reality and one we should face. Regardless, the President concluded a few months ago that he would escalate this war and send even more American soldiers into harm's way. I think that was a mistake. I think the President was moving in the wrong direction. As I said, I don't believe our military, though it be the best in the world, can really contain the violence of the civil war in Iraq. I certainly don't believe our military, as good as it is, can give spine to Iraqi leaders who can't seem to reach conclusions and decisions on timetables about their future.

So the war continues. The President asked for more money, \$80 billion, \$90 billion at a time to continue this war in Iraq. Many of us believe we should do two things: fund the troops, make sure they have all that they need, but change the policy, start bringing American soldiers home. Tell the Iraqis once and for all that we will not be there indefinitely. We are not going to stay until you work up the political courage to make decisions to govern your country. We are going to start coming home. As we come home, these Iraqi soldiers whom we have spent millions of dollars to train and equip need to stand up and defend their country. The Iraqi Parliamentarians and leaders of their Government need to stand up and make the hard political decisions.

That is the reality of Iraq today. It is a reality we are reminded of every morning with the newscasts that tell us of the suffering and death which takes place in that country.

I wish to say a word, too, about the Iraqi people. I was reminded over the weekend when I was home in Illinois—and a good reminder it was—that when we speak about the loss of life in Iraq, don't forget the innocent Iraqis who have lost their lives as well. We don't even know what that number is today. We know that close to 3,500 American soldiers have lost their lives, and we know the coalition forces who have lost their lives. We don't know how many innocent Iraqis have lost their lives as victims in the civil war or even of our invasion.

Mr. President, "60 Minutes" on Sunday night had a gripping story about a youngster, 12-year-old, who, during the bombing of our invasion of Iraq, lost both his arms. This young boy, whose name is Ali, came to the attention of people across the world and was given a chance to go to England, where he goes to school now. He was really inspiring when he talked about how he was going to make something of his life even though he lost both his arms. He is just an innocent victim of this war who lost family and friends in a bombing, a tragic incident we wished never occurred.

Keep in mind that these innocent Iraqis are part of this calculation about the future of Iraq as well. If this civil war is to come to an end, we not only need to start bringing American troops home, we need for the Iraqi Government to start making decisions to protect their people and project their future in a positive way.

I sincerely hope that at the end of next week when we present to the President the money necessary for the troops, we will also make it clear that we are taking a step forward to correct this failed policy in Iraq.

I might also add that if we are not successful in changing the policy with this bill, it is not the end of the debate. We are 4 months into this new Congress, 4 months since the Democratic majority took control of the House and Senate. In a little over 4 months, we have seen a dramatic change in the national debate on the war in Iraq. For the last 4 years, we have been sleepwalking through this policy in this war in Iraq with few challenges from Capitol Hill. The legislative branch of our Federal Government did little or nothing to meet its constitutional responsibility, to challenge the Executive when it came to policy and execution of that policy.

Now things have changed. Now, with a Democratic majority in the House and the Senate, the debate is underway, as it should be, a debate on policy. I think most Americans would agree that over the last 4 months with this new Congress, we have had a more active and vigorous debate on Iraq than any time since this war started. That is the way it should be. The American people believe Iraq is the primary issue on which we should focus, and we have, and we will continue to focus on Iraq. Even beyond the supplemental appropriations bill, we will move to a Defense authorization bill and a Defense appropriations bill, giving ample opportunity for Members on both sides of the aisle to come up with alternatives to deal with this failed policy.

In conclusion, there is one key to changing the failed policy in Iraq. The key to changing the failed policy in Iraq is 11 Republican Senators. When 11 Republican Senators reach the point that they want this policy changed, it will happen. We have 49 Democratic Senators who have voted repeatedly to

change that policy. Two Republican Senators—the Senator from Oregon, Mr. SMITH, and the Senator from Nebraska, Mr. HAGEL—have stepped forward and joined us on the Democratic side. We need nine more. With nine more Republican Senators, the failed policy in Iraq will change. Why does it take so many? It takes 60 votes in the Senate to move forward a significant and controversial measure such as a change of policy in the war in Iraq.

I was heartened to learn last week that some Republican House Members met with the President. There were press reports afterward that they told him point blank that they can no longer continue to support his policies. Change has to take place. The President needed to hear that. I hope Republican Senators who feel the same way will step forward.

It is not enough for them to say we will come up with 11 different ideas and vote one at a time for each of them. That isn't the way this works. We have to put our minds together and try to find compromise and cooperation so that we can serve the best needs of America—not only our national security needs but the needs of our troops in the field and the needs of the Iraqi people. If 11 Republican Senators will join the 49 Democrats, this policy can change. We will give them that opportunity tomorrow with two cloture votes and then beyond that some votes I am sure next week on a conference report when we reach that stage in the proceedings, and then in subsequent legislation.

I urge my colleagues on both sides of the aisle in the spirit of compromise and cooperation to try to find ways that we can end this war in an honorable way, bring our troops home to the heroes' welcome they deserve, and say to the Iraqi people: The Americans have given you more than any nation could ever ask for. We have given you over 3,300 American lives of the best and bravest soldiers in the world. We have given you 25,000 injured soldiers, some with serious injuries they will carry for a lifetime. We have spent \$500 billion. We have stood behind your country as you deposed your dictator, put him on trial, and executed him. We have stood behind your country when you wrote your Constitution and held your elections. We have been there for more than 4 years. Now it is your turn. Now it is the turn of the Iraqis to step forward and guide their nation forward.

We need to understand that we won't have a change in policy unless the President agrees to change—and it is unlikely he will—or this Congress forces a change. The only way that occurs is when 11 Republican Senators join 49 Democrats to make it happen and make it a reality.

Mr. President, I reserve the remainder of the time for the majority in morning business. I yield the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent that the time on the Republican side be equally divided among myself, Senator CORNYN, and Senator GREGG.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BUSH TAX CUTS

Mr. BENNETT. Mr. President, we celebrate anniversaries around here. We find times to look back. Today happens to be the fourth anniversary of the Senate passage of the last of the Bush tax cuts. We have heard a lot of rhetoric around here about those tax cuts. We heard it in advance, we heard it as they have gone along, we continue to hear it.

I thought on the fourth anniversary of the Senate passage of the tax cuts it might be a wise idea to spend some time with some facts.

Our former colleague, Senator Gramm of Texas, always used to say: I tell my children never argue about the facts. Facts are things you can look up. Argue about what the facts might mean, but don't argue about the facts.

We don't take his advice as much as I think we should. We spend too much time arguing about the facts. Let's look them up.

One of the things we are told constantly is that since the passage of the tax cuts, the rich have gotten richer, the tax burden has shifted from the rich to the poor, and that this is terrible and we need to reverse that trend. Well, let's look at a few facts. Let's go back to the 8 years prior to the time of the Bush administration and see what happened in terms of the rich getting richer and the poor getting poorer.

While President Clinton was the President, dividing into five quintiles, which is what economists do, we see what happened to pretax income. During the Clinton years, in the lowest 20 percent, the bottom quintile, pretax income went down. In the second quintile, the pretax income went down. The red bars are prior to Clinton and the blue bars are after. In the middle 20th percentile, the pretax income went down. In the second highest quintile, pretax income went down. In the top quintile, pretax income went up between the time when Clinton was elected and the end of the Clinton administration.

Our source for this is the Congressional Budget Office. These are the facts.

What has happened since President Bush has been in office? Let's take a look at the same areas and look with the new data plugged in. It is very interesting.

Since Bush has been elected, the lowest quintile has seen their pretax income go up. The second lowest quintile has seen their pretax income go up. The middle quintile has seen their pretax income go up. The second highest quintile has seen their pretax income go up, but the top quintile, the

top 20 percent, has seen their pretax income come down.

Once again, the source for these facts is the Congressional Budget Office. On this side of the chart, we see the share of pretax income. This is the number of people to focus on.

The share of income is very high for the top 20 percent and low for the bottom 20 percent. So we look at share and ignore the trend if we want to make the case that the tax cuts have been bad for people at the bottom. In fact, since Bush has been President, we see things have gotten better for people at the bottom.

This comes as somewhat of a surprise to those who were advising us when we passed the Bush tax cuts. I would like to quote from the Brookings Institution. They viewed the tax cuts, as they were proposed, and they had this cogent statement to make about the future, and I quote:

Our findings suggest that the tax bill will reduce the size of the future economy, raise interest rates, make taxes more regressive, increase tax complexity, and prove fiscally unsustainable. These conclusions question the wisdom and affordability of the tax cut and suggest that Congress reconsider the legislation, especially in light of the economic downturn and terrorist attacks that have occurred last summer.

Very interesting. Reduce the size of the future economy? Since Bush has been President, the U.S. economy has grown more than the entire Chinese economy. Under the Bush Presidency, the U.S. economy has grown \$2.7 trillion in GDP. The total Chinese economy is \$2.3 trillion. They missed that one.

Raise interest rates? No. Make taxes more regressive? Well, let's look at that one in another chart. Increase tax complexity? I will grant them that. Congress increases tax complexity every time we pass a law. That is an easy prediction to make. And prove fiscally unsustainable? I don't think so.

Here is the relative income tax burden by income group, taking the specific prophecy made by the people at the Brookings Institute. The people in the lowest quintile were receiving that much earned income tax credit. In other words, their tax payments were negative. They received money in transfers. Now, since the passage of the tax cut, the amount of money they have received has been greater. The second lowest quintile used to pay a little taxes; now they receive transfer payments. The middle quintile paid that much taxes; now they pay less. The second highest quintile, virtually identical, but the trend line is down. Who has paid the most taxes? Who has had the greatest increase in taxes? It is the top 20 percent.

At the end of the Clinton administration, this is where it was, and at the end of the Bush term, this is where it is. Brookings was wrong on virtually every point, except their prediction that we would make the tax law more complex. That, as I say, is a prediction one can always make and always be sure of.

What about fiscal sustainability? I remember when I ran for reelection in 2004, right after the tax cuts, my opponents said, we have to bring down the deficit. The deficit is too high. I said: Not only is it going to come down, it is coming down. We see year after year, since the passage of the tax cuts, that the deficit has shrunk. It has shrunk in absolute dollars and it has shrunk as a percentage of GDP. We have the same word out of the Congressional Budget Office and OMB at the end of the first quarter.

Why would we get a shrinking deficit when we have cut tax rates? The answer lies in the dynamism of the American economy, and we look back again on this anniversary date to see what has happened to people's predictions. The red bars are the predictions that the Congressional Budget Office made of the amount of revenue we would receive from capital gains. They predicted that the capital gains revenue would stay flat or barely increase as a result of the reduction in capital gains tax rates.

We reduced the capital gains tax rates, and guess what happened. That is shown in the blue lines. The capital gains realizations—that is the money that came in—went up in 2003, higher than the CBO projection. It went up in 2004 even higher. It went up in 2005 even higher. In 2006, it knocks your socks off. They had predicted \$54 billion in realizations, and the fact is, it was \$103 billion. The actual capital gains tax receipts were substantially higher than projected by CBO.

Well, how can that be? If we cut the tax rates, how can we get more revenue? The answer to that, of course, is a reality that we so often forget around here, and that is the economy is not static. The economy is not a sum zero game that says: All right, if you cut it here, then you have to see it rise there. If we cut tax rates, we have to see the deficit go up.

We have seen exactly the opposite. We have cut tax rates, and we have seen the deficit go down. Why? Because people respond to economic incentives. When they have an economic incentive to form a new business, create a new opportunity, modernize a plant—because they would not have to pay so much in taxes as they previously had to pay—the new business, the new opportunity, the modernized new plant will create new jobs and creates new income and, therefore, more taxes, more tax revenue, even as the tax rates come down.

We have seen this historical fact again and again for decades, yet we continue to ignore it. The computers at the Congressional Budget Office are programmed not to take into account the growth in the economy and not to predict this kind of result.

So on this anniversary date, I thought I would simply share with the Senate a few facts that demonstrate that the tax cuts have been good for America.

Mr. CORNYN. Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I wish to join the distinguished Senator from Utah, Mr. BENNETT, who gives, to my mind, one of the most cogent and understandable explanations for the economy given around here, and I wish to add a few comments about the fourth anniversary of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

While we have a lot of people trained in a lot of disciplines who make their way to the Senate, I daresay there are not very many of us who have a background in economics or accounting or the type of disciplines that would help them make good economic decisions. The good news is that I think the fundamentals are pretty clear when it comes to what provides people an incentive to work hard and save, and what Government policies—particularly tax increases—make it harder for people to save their hard-earned money and invest it as they see fit—whether it is spending it on their family, investing in their children's college education or perhaps buying things that they would prefer—rather than having Uncle Sam stick his hand in their pocket and spend it on things the Federal Government wants.

It is important to go back and highlight some of the challenges our economy was facing when the Senate first passed this protaxpayer legislation 4 years ago. The economy was hit with not just a one-two punch but with a one-two-three punch. We were dealing with the fallout from the corporate accounting scandals of the late 1990s, the bursting tech bubble and, of course, the horrific attacks of September 11, 2001. All these events combined would have knocked out any other economy in the world. But because we acted with well-timed tax relief that put money back in the pockets of working men and women, small businesses and entrepreneurs, our economy bounced back. Indeed, our economy has roared back.

The 2003 act accelerated a number of individual and small business tax relief provisions Congress passed 2 years earlier. We allowed parents to take the \$1,000 tax credit sooner. We accelerated relief from higher marginal tax rates—the marriage tax penalty and the alternative minimum tax. This legislation, passed 4 years ago, provided capital gains and dividends tax relief, which has helped increase economic activity and fill the Federal Government's coffers.

How could it be that Federal revenue has seen historic highs even as we cut taxes 4 years ago? Well, it is for all the obvious reasons: People respond to financial incentives when they know they are going to be able to keep more of what they earn. They work harder, risk takers and entrepreneurs invest in ventures that generate revenue not only for them—and create new jobs—but generate a lot more revenue for

Uncle Sam as well. That is exactly what happened here.

Since 2004, Government revenues have outpaced projections by the non-partisan Congressional Budget Office, and the deficit this year could tumble to \$150 billion, or about 1 percent of our Nation's gross domestic product. Things such as bonus depreciation and the \$100,000 expensing provision have allowed entrepreneurs and small businesses to grow and create jobs. This tax relief has helped produce 22 straight quarters of growth, with 7.8 million new jobs over the past 44 consecutive months. That is an outstanding accomplishment, which makes America the envy of the world, and it is a trend we must continue as we face significant fiscal challenges ahead.

We can and we should take great pride in the economy's performance and look with optimism toward the future. As we move forward, the last thing we should consider is reversing the policies that have generated this kind of beneficial economic activity and created so many jobs in America. Unfortunately, this tax relief will soon expire, resulting in a tax increase for all taxpayers without a single vote on the floor of the Senate.

The other side is now pushing a budget that will result in a \$736 billion tax hike for taxpayers over the next 5 years. This, unless it is reversed, will not only jeopardize future economic growth but also the financial well-being of millions of Americans—families, small businesses, and seniors. If Congress fails to make this tax relief permanent, the fourth anniversary of which we are celebrating today, every American taxpayer will see their taxes go up. For instance, a family of four with two children, making \$50,000 in annual income, would see an increase of \$2,092 a year in their tax bill, or a 132-percent hike.

Four years ago, many of our colleagues on the other side of the aisle argued that the Jobs and Growth Tax Relief Reconciliation Act of 2003 would not only not benefit our economy, they actually said it would endanger the economy. For example, the now-majority whip said:

The Republicans who push this tax plan have to face stubborn facts, and facts can be stubborn. The last time they got a tax cut through, the American economy fell backwards. We did not make progress. We lost jobs. We lost opportunity. We lost a lot of hope in this country.

There is one thing I agree with the distinguished majority whip about, and that is facts are, indeed, stubborn things. Four years ago, the Senate voted for hope and against fear. It voted for progress and against stagnation. It voted for the entrepreneurial spirit and against command and control out of Washington, DC.

I think 4 years later we all have seen and can celebrate tremendous results as an outcome of this important legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, first I thank the Senator from Texas for his elegant statement and accurate statement. I want to pick up where the Senator has left off.

The Senator talks about the facts—and this is a fact—that revenues to the Federal Government have jumped dramatically in the last 3 years. In fact, in the last 3 years we have seen more revenues flowing into the Federal Government than ever in history, and the percentage of increase in those revenues has also been historic. As this chart clearly shows, we are now seeing revenues to the Federal Government which actually exceed the historic revenues to this Government. Historically, the Federal Government has gotten about 18.2 percent of the gross national product in revenue. Today we are up around 18.5 percent. We are headed towards 18.7 percent. That is a significant increase in revenues to the Federal Government.

What effect does that have? As the Senator from Texas said, it has had a dramatic effect on the deficit. Because we have gotten all this additional revenue, it has caused the deficit to drop dramatically.

The other side of the aisle argues: So what. Taxes are still too low on Americans. We should raise the taxes on Americans. So they brought out a budget which is going to increase taxes on Americans by about \$700 billion. It is the largest tax increase in the history of the country, should that budget actually come to fruition—and it looks like it is going to pass, and I assume they are going to follow up on it. They mean what they say, on the other side of the aisle.

What will that do to Federal revenues, that dramatic increase in taxes? What will that do to the economy? We are not sure, but we suspect it will slow the economy dramatically. Some of these great gains that we have seen in the economy, the 22 months of expansion, the 7.4 million new jobs, may be significantly impacted by that type of a tax increase.

We also know it will create a Tax Code that is taking a lot more money out of Americans who work hard. We happen to believe, on our side of the aisle, we should let Americans keep the money they earn as much as possible, have a fair tax system, and as a result generate a benefit to working Americans by saying: Listen, if you are going to work hard, we are going to give you more money. We are also going to get more revenues, which is the way this has worked out.

Why have we gotten more revenues even though we reduced the tax burden on the American people? The answer is pretty simple. It is called human nature. When you set tax levels at a fair level—which is what we have today—people are willing to go out and invest.

They are willing to go out and take risks. They are willing to work harder because they know they are going to get to keep more of what they earn. What does that do? That creates a stronger economy which puts more people to work, and that is what we want, more jobs for people and, of course, the more jobs you have the more tax revenues you end up getting.

In addition, especially in the area of capital gains, if you have a fair capital gains rate, which is what we have today, it causes people to go out and sell an investment which they might otherwise hold on to. If a person has an asset, say, a home or small business or stock, they don't want to sell that asset when they are going to have to pay 30 percent or 25 percent in taxes on that sale because they don't want to have to pay all those taxes for that asset they spent their whole life building up, trying to make ends meet, trying to create a nest egg for themselves. When you put a fair capital gains rate on that sale, which is today 15 percent—which is the fair rate which was put into place by President Bush's proposals—then people are willing to go out and sell that asset.

When they sell that asset, what happens? Two things which are very good for the Federal Government happen. No. 1, capital gains occur so we get revenues; otherwise, we would not get those revenues because people would just sit on those assets; they are not going to sell them and pay the high tax rate. When you have a fair tax rate, they sell them, the Federal Government gets the revenues, and the second thing that happens is they take that new money they have from the sale of that asset and reinvest it. By human nature, they reinvest it in something that is more productive. So you have a more productive society, where capital assets are being used more effectively, and as a result you get this great job creation and this economic growth.

In fact, in the area of capital gains, we have seen a dramatic increase in revenues. Capital gains have increased over what the projection was by CBO, the Congressional Budget Office, by 47 percent. It is a huge jump in revenues we didn't expect—or at least the Congressional Budget Office didn't expect—but which we received because human nature kicked in and people were willing to sell assets, take that money and reinvest it in things that are productive, create jobs, and as a result we got those revenues. That is why today the Federal Government is actually getting more in revenues than it got under the old tax law where the rates were a lot higher. That is why we have gotten more economic expansion, more jobs. That is the good news.

From the other side of the aisle we hear this constant patter: The rich are not paying enough taxes, and these tax laws are disproportionate in their application. I think we need to talk about that a little bit because let's see what has happened as a result of reducing these tax rates.

Basically, what has happened is that even with the lower tax rates today, wealthy people are paying more in revenues to the Federal Government than at any time in history. Today the top 20 percent of people in this country who have income are paying about 85 percent of the tax burden.

Let me restate that. The top 20 percent of people with income in this country are paying 85 percent of the Federal tax burden. Under the Clinton years, the top 20 percent of people with income paid 81 percent of the Federal tax burden. So even though we have cut rates, we have actually created more revenues from high-income individuals.

Again, you are going to say: How does that happen? Again, it is called human nature. If you have a high-income situation, individuals with a high income, they could either invest in opportunities which are going to produce taxable events or not produce taxable events. They have the position to do that. So if you have a fair tax rate they will take the risk. They will make the decision. They will be the entrepreneurs who create the job. As a result, they will make an investment which is taxable. But if you have a tax rate that is too high, which is what the other side of the aisle likes to have, then you basically create an atmosphere where these folks are going to go out and invest a fair amount of their money in things that are tax avoidance, legal tax avoidance but tax avoidance. They are going to invest in nontaxable events, stocks and bonds that do not generate income to them that is taxable.

What we have done is we have created a tax law where essentially high-income people are willing to go out and take risks and do it in a taxable way that generates revenue back to the United States. As a result, we have the top 20 percent of American income earners pay more in taxes today, significantly more than they did under the Clinton years.

The alternative is also fairly interesting. At the low end of the income scale, the bottom 40 percent of people who have income do not basically pay income taxes. Obviously, they pay withholding taxes, but as a practical matter that segment of our society pays virtually nothing in income taxes. They get money back, in fact, on the earned-income tax credit and other benefits the Federal Government puts in place.

Under the law today, under President Bush's law, those bottom 40 percent of income earners are now getting about twice as much back from the Federal Government as they did under the Clinton years. So what is the combined effect of these two facts, of these two things? The tax law—even though we are generating a lot more revenue for the Federal Government, even though we are well over that mean number of 18.2 percent of gross national product, even though we have had jumps in rev-

enue of 11 percent, 9 percent, 15 percent—we actually have a tax law today that is generating more revenue but is also more progressive. High-income individuals are paying more of the tax burden. Low-income people are getting more money back from the Federal Government.

There is another factor that needs to be pointed out, and that is what is happening to senior citizens. Senior citizens disproportionately benefit from a low dividend tax rate. Why? It is logical, obviously. Most seniors are retired. If they have income, it is going to be Social Security, some pension program, or dividends, and most pension programs also involve dividends. So senior citizens are really the people who are benefitting the most from a low dividend tax rate. Yet the folks on the other side of the aisle have just passed a budget where they want to jump the tax rate on dividends by 100 percent. They want to go from a 15-percent tax rate to a 30-percent tax rate on dividends. Who are they going to hit? They are going to hit senior citizens, primarily. That is the people they are going to hit.

If you look at the proposals from the other side of the aisle, they come out of a 1930s philosophy of economics, which was pretty soundly rejected in the 1960s, the 1970s, the 1980s, and the 1990s, but they are still attracted to it.

It is a theory that says you just raise taxes. The Federal Government will get more money, and we will spend it for you. In other words, there is a theory that says we are smarter than you. We have been elected to the Senate. We are good members of the Democratic Party. We know more than you know. Therefore, we should take your money and we should spend it for you and we can spend it more effectively than you can spend it.

That is a philosophy that should and has been rejected as we move toward a much more market-oriented economy. It is also a philosophy that presumes the higher taxes always generate more revenue to the Federal Government, which is not true. Higher taxes, actually, in many instances reduce revenues to the Federal Government because they reduce economic activity. They certainly reduce expansion of the economy, and they reduce the creation of jobs.

Three Presidents have proved beyond any reasonable doubt when you lower income tax rates, you generate economic expansion because people are just people. They just have common sense. If they know they are going to be able to keep more of their money, they are willing to go out and work harder to get more money. But they also know if the Federal Government is going to take more of their money, and a disproportionate amount of their money, they are not going to work quite so hard. They are not going to take that risk. They are not going to create that restaurant or open that little small business, create those jobs,

because they don't want to have to pay all of their money to the Federal Government.

President Kennedy knew that and that is why he cut income tax rates and was successful in generating revenue to the Federal Government. President Reagan knew that and he cut income tax rates. As a result, the revenue to the Federal Government jumped and the economy expanded. President Bush has shown it once again: Cut income tax rates, expand the economy, and as a result get a fair tax level and human nature kicks in and revenues flow into the Federal Treasury.

What is unique about President Bush's initiatives is that at the same time he has cut rates, he created this much more progressive system which I just outlined. The fact that high-income taxpayers are now paying so much more of the Federal share of income taxes than they did under the Clinton years, and lower income individuals are getting much more back than they did under the Clinton years, makes for a more progressive system. It also disproportionately benefits senior citizens, people on fixed incomes, because of the dividend rate.

Unfortunately, though, we now have the Democrats presenting to us a budget which wants to take us to the French path, which essentially is going to dramatically increase the cost to the Federal Government, to Americans, and as a result dramatically increase the tax level on Americans. We will go down that path that France has gone down.

I have to tell you, it doesn't work in France. Productivity is not up in France. Jobs are not being created in France. People don't want to go out and work harder in France. And they certainly do not have a more progressive or effective economic system than we have in the United States.

I think we should reject the Democratic approach under their budget of raising taxes and stay with this tax law that is raising so much new revenue and is so progressive and has such a strong benefit for senior citizens.

I yield the floor.

I make a point of order a quorum is not present.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WATER RESOURCES
DEVELOPMENT ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1495, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Pending:

Boxer/Inhofe amendment No. 1065, in the nature of a substitute.

Boxer (for Feingold) amendment No. 1086 (to amendment No. 1065), to establish a Water Resources Commission to prioritize water resources projects in the United States.

Reid (for Levin/Reid) amendment No. 1097 (to the language proposed to be stricken by amendment No. 1065), to provide for military readiness and benchmarks relative to Iraq.

Reid amendment No. 1098 (to amendment No. 1097), to provide for a transition of the Iraq mission.

Coburn amendment No. 1089 (to amendment No. 1065), to prioritize Federal spending to ensure the needs of Louisiana residents who lost their homes as a result of Hurricanes Katrina and Rita are met before spending money to design or construct a non-essential visitors center.

Coburn amendment No. 1090 (to amendment No. 1065), to prioritize Federal spending to ensure the residents of the city of Sacramento are protected from the threat of floods before spending money to add sand to beaches in San Diego.

AMENDMENT NO. 1090

The PRESIDING OFFICER. Under the previous order, the time until 11:45 a.m. shall be equally divided for debate with respect to amendment No. 1090 between the Senator from California and the Senator from Oklahoma or their designees.

The Senator from California.

Mrs. BOXER. Mr. President, I have a parliamentary inquiry because I don't know when my ranking member will be here. Do I understand the Chair correctly that I would have 15 minutes and he would have 15 minutes, so I should conclude my remarks after such time?

The PRESIDING OFFICER. The Senator from California has 13 minutes.

Mrs. BOXER. Will the Presiding Officer please let me know when that time has come?

The PRESIDING OFFICER. Yes.

Mrs. BOXER. Mr. President, I am pleased that the Water Resources Development Act of 2007 is on the floor of the Senate and that Members on both sides of the aisle are very supportive of this legislation. This legislation authorizes the projects and policies of the Civil Works Program of the Army Corps of Engineers. Again, it has very strong support across party lines.

I think it is important for the Senate to know, as well as the American people, that this bill is long overdue. Seven years ago, we passed the last WRDA bill. What does that mean? It means that very important flood con-

trol projects, wetlands restoration, environmental projects, clean water projects—so many of these projects have been delayed. When we are talking about the Nation's economy and public safety and the environment, these are things we all want to address. We address them in this bill. The beauty of it is that although Senator INHOFE and I have some deep differences on issues, this is one bill we both strongly support, and across the board we see support.

Every day I have come to the floor to talk about WRDA. I have stressed the strong support in the country for this legislation. I read yesterday from various letters of support. I want to call to Senators' attention—when they arrive to vote on the first amendment, which I hope we will all be opposing, or at least the vast majority of us—on their desks they will find, due to the good work of our pages, the letters of support I referred to yesterday. We have an amazing coalition. We have the National Association of Manufacturers supporting this bill. We have the American Farm Bureau Federation supporting this legislation, with a direct letter. We have a letter from the National Waterways Conference supporting this bill. We have the Audubon Society supporting this legislation. For those who may not be aware, it is a society of more than 1 million members and supporters who work very hard to restore America's natural resources. We have them supporting this bill. We have the American Society of Civil Engineers supporting this bill. We have the National Construction Alliance, which is made up of the Laborers International Union, the International Union of Operating Engineers, and the United Brotherhood of Carpenters and Joiners of America. This is about as broad a coalition as we can have. It concludes with a letter from the Associated General Contractors of America. We have a bill that, as the National Construction Alliance says, is a \$13.9 billion authorization of Corps projects which is a necessary first step in addressing our country's serious backlog of water projects, from harbor improvement, to flood protection, to lock and dam construction, dredging, and environmental infrastructure.

That is what we address in this very important bill.

We certainly have many contentious debates on the floor of this Senate. We are going to have one again on Iraq. It tugs at the heartstrings. It is very difficult. But this is one piece of legislation which should not be difficult for us. Senator INHOFE and I share a commitment to shoring up our Nation's infrastructure, including our water resources. We have a true partnership on this issue. I hope colleagues will join with us, as we work through the amendments. There will be some amendments we can support, but we have made a pact that even if there are some amendments each of us individually supports, if the four top members

of the Environment and Public Works Committee have not agreed on them, we will be forced to vote no. This is not a pleasant situation for either of us. We think it is the way to maintain the delicate balance of the legislation, because the bill is a product of bipartisanship.

I mentioned the other two members of the committee who have worked so hard, Senators BAUCUS and ISAKSON. I thank them.

The whole country is looking to see what we do to help the victims of Hurricane Katrina and what we do to move forward so that we don't see another tragedy as we witnessed recently. About 25 percent of this bill is directed at Louisiana. We have gone very far to meet their needs. We do understand we haven't done 100 percent of what they need, but there will be other WRDAs, and there may well be a couple of amendments on which we can move forward. We don't know at this particular point.

We have waited 7 long years for this bill. We are going to be having a vote at a quarter of 12.

Before I yield to my good friend and colleague, the ranking member of the committee, for his comments, I hope everyone will join in voting no on the Coburn amendment. What he does in his amendment is, he has decided—and he is here in the Chamber now—that one of the projects in California should wait until another project in California is totally funded.

I call this amendment the Russian roulette amendment because the project he wants to delay is an important project in the San Diego area. It is the city of Imperial Beach. There is a very important project the Corps is recommending where the local match will be paid—the initial stages, 30 percent; the final stages, 50 percent. We are talking about protecting 2,083 businesses. There are 812 nonrental property businesses and 1,271 rental properties. We are talking about 22 retail businesses, 217 businesses located along the beachfront, 195 are rental, and 19 businesses near the shoreline. What we are talking about doing is a project that is so cost-effective, it has met every criteria. It has gone through every phase. We received a letter from the mayor which clearly states they will be picking up their share.

This is a project which needs to move forward. You don't say to somebody in the southern part of a State: You don't deserve this flood protection until someone in the northern part of the State gets flood protection. We have to do it all. This is the United States of America. California, if we were a nation, would be the fifth largest economy in the world.

All Members have a right to their opinion and a right to offer amendments. I support my colleague's right to do so. But it is absolutely wrong. He will present it as some kind of a beach project. He makes it sound as if what we are doing is protecting a beach.

Nothing could be further from the truth. We are using the replenishment in this project as a way to absorb the floodwaters.

I will speak for a minute on this later. I hope we will have a resounding "no" vote. Every Member has a right to say what he or she thinks belongs in this bill. But this bill has gone through a rigorous process. We don't have anything in here that doesn't meet the criteria. Senator INHOFE was very strong on that. I agreed with him completely.

With my time waning, I yield the floor and look forward to a strong "no" vote on the Coburn amendment in 15 minutes.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. I yield myself such time as I may consume. As I understand, we are now dividing time equally between the junior Senator from Oklahoma and the committee; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. How much time remains?

The PRESIDING OFFICER. The Senator from California has 3 minutes 20 seconds remaining.

Mr. INHOFE. We have a total of 3 minutes left?

The PRESIDING OFFICER. The Senator from California has 3 minutes 20 seconds. The junior Senator from Oklahoma has 13 minutes. The time is divided between Senator COBURN and Senator BOXER. Senator COBURN has 13 minutes.

Mr. INHOFE. The main thing I want to get across, I can't get across in 3 minutes. But I can tell you right now—and by the way, the reason I wasn't here earlier is that I have been, in the last 3 days, in Iraq. And by the way, good things are happening there in spite of what the press will tell you.

I came back somewhat shocked to see some of these amendments because, quite frankly, a lot of people don't understand the process. I don't want anyone out there watching what we are doing today saying that we are killing some useless project. It has nothing to do with that. This is an authorization bill. I will make this clear, but I can't do it in this time unless the Senator from Oklahoma would like to yield 5 minutes of his time.

Mr. COBURN. Sure.

Mr. INHOFE. I thank the Senator.

The amendment we will be talking about is the Imperial Beach amendment. I have to remind my colleagues, as I did in the steering committee last Thursday, this is not an appropriations bill. What we are doing here today is not going to change anything at all in terms of money. I don't want anyone thinking we will have some useless project or spend money on it. We are not doing it with this bill today. We may be doing it in the future. We may be doing it when the appropriations bills come up. I may be opposing it at that time.

But all we are doing through the WRDA bill is we allow ourselves the opportunity to make sure there is some level of discipline in putting projects forward that people will eventually be voting on. They are not going to be voting on them today. This is the authorization process.

Now, we have criteria. We have to have an engineer's report from the Corps of Engineers. It has to say it is economically feasible, it takes care of the environmental problems—all these things—and it ensures there is cost sharing.

Let me tell you what would happen if we did not do this. If we did not do it, and we had everyone coming up, swapping out their deals, and saying: I have a project over here; it is my sweetheart project; the Corps of Engineers has never been there. We don't care. No one has ever evaluated it, but this is my humble opinion, since we are here in Washington making all these decisions in violation of what people back home want. Then we will have a project.

That is the alternative. This is the same as the transportation authorization bill. There we had criteria where we would talk about the qualifications of various projects, and they would have to be in that criteria. Then we would bring it up later on and decide whether we were going to fund these things.

Now, on the project that is going to take place at Imperial Beach, it was authorized. The Corps recommended this storm damage reduction project because it is technically sound, economically justified, environmentally acceptable, and it will have the local cost share.

I have a letter from the mayor of Imperial Beach saying this is what they want out there. It may not be what they want in Washington, but this is what they want.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF IMPERIAL BEACH, CA
OFFICE OF THE MAYOR,
July 18, 2002.

Colonel RICHARD G. THOMPSON,
Los Angeles District Engineer, U.S. Army Corps
of Engineers, Los Angeles, CA.

DEAR COLONEL THOMPSON: This letter should serve as a formal indication of interest and intent by the City of Imperial Beach to proceed with the recommended project indicated in the Silver Strand Shoreline, Imperial Beach, California Draft General Re-evaluation Report dated, June 2002.

The City of Imperial Beach is willing and able to provide all non-Federal requirements of the project including 36% of the cost to construct the initial project and 50% of the construction costs for each renourishment cycle.

It is anticipated that funds for the local share of initial construction will come from \$4.2 million currently earmarked for this project in the California State Department of Boating and Waterways FY 2002/2003 budget.

We thank you for your continued interest in this worthwhile project.

Sincerely,

DIANE ROSE,
Mayor.

Mr. INHOFE. Hopefully, when we get down toward the end of the debate, after I hear what my colleague says about this issue, I will use more time.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator BOXER in opposition to the Coburn amendment. This amendment limits our ability to appropriate funding to projects in our State, and I would ask all Senators to vote against the amendment.

My colleagues may remember that during consideration of the fiscal year 2006 emergency supplemental, we had an extended debate over flood control projects in the bill for California because Senator COBURN offered an amendment to strip them out of the bill. I understand that yesterday, Senator COBURN acknowledged that he made a mistake in opposing the Sacramento River Bank project, which he now believes was legitimate emergency funding. However, he has now offered another amendment affecting California and this same project.

Senator COBURN's amendment would require that the Army Corps complete its work on the Sacramento riverbank flood control project before it can begin any work on the Imperial Beach replenishment project. These two projects are separated by 500 miles and have no relation to each other, except that both protect homes and families.

I would like to briefly discuss these two projects. The Sacramento river bank flood protection project is a long-term levee restoration project. The project area is along 210 miles of the Sacramento River that is constantly at risk of erosion. Areas protected by the levees comprise over 1 million acres, 50 communities, \$38 billion worth of improvements, and approximately 2.3 million people.

The Corps of Engineers is dangerously close to the ceiling set in the current authorization, with many more projects to be done. Senator BOXER and I support language in this bill to increase the Corps' authorization by another 80,000 linear feet. It will be several years before the Corps will reach that threshold if we are able to fund the project at full capability annually.

Yesterday, Senator COBURN referred to our discussion last year and that I had said that life and property lay in the balance with the restoration of these levees. I would say to my colleagues that statement also holds true on other projects to protect homes in a different part of my State that Senator COBURN will inhibit with this amendment.

Imperial Beach is a small city adjacent to the U.S./Mexico border and just south of San Diego Bay and the naval installations on Coronado. Its beach, the Silver Strand, is losing 100,000 cubic yards of sand per year, corresponding to a loss of 6.6 feet of beach.

So much shoreline has been lost that there is no longer dry beach at high tide, leaving only a small embankment between the ocean and homes. At the current retreat rate, the shoreline could reach homes within the year. A high-tide storm event in Imperial Beach could affect 3,000 homes within 3 blocks of the coast. Already these homes have experienced flooding and structural damage and the soil is highly erosive and receding—the problem in Imperial Beach is now, and we cannot wait years to address it.

The problem is that the beach is no longer the recipient of sand from its natural sources. First, there is a lack of sediment transfer from the Tijuana River because of three dams, two on the American side and one on the Mexican side, which have stopped the historical flow of sediment to the shoreline. Second, the Army Corps-built jetty that protects San Diego harbor also disrupts the flow of sand.

Yesterday, Senator COBURN stated that he believes the replenishment of this beach is a State responsibility. As we all know, all of these projects are cost-shared with the State or localities involved. The State of California already has \$4.2 million on the table for this project as soon as it is authorized. So the State's commitment is there.

The residents and local government are also doing their fair share to shoulder the costs. The Army Corps of Engineers has determined that every dollar spent avoiding storm damage through beach nourishment will save taxpayers close to \$2.00. The total net benefit this project provides due to annual costs from structural damage due to erosion, wave attack, or inundation costs, utility relocation costs, land loss, cleanup costs and other items related to the loss of sand will be at least \$1.8 million.

There are hundreds of very important projects authorized in this bill, and many States have multiple projects. This amendment would set the dangerous precedent of requiring vital projects to wait until other projects in the same State are completed. Not only does this have the potential to increase Federal costs if we have to respond to disasters that could have been prevented, but it removes our discretion to evaluate projects independently, regardless of where they are located.

Senator COBURN has now decided that securing levees in my State is a high priority. It certainly is. However, I do not agree with him that homes and families behind river levees are more important than homes and families behind an ocean beach. I hope that my colleagues will join with us to oppose this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, to make sure everybody understands, this is not an amendment that eliminates this project. As I complimented the Senator from California and the Senator from

Oklahoma yesterday, the idea behind this amendment is to make priorities.

What do we know? We know the Corps has a \$58 billion backlog right now. That is 27½ years of work at the way the Corps is funded now. All this amendment says is, if you are in a family and you need a new roof, and you want to build a swimming pool, probably most American families are going to put the roof on before they build the swimming pool.

Sacramento has 1.8 million people. It is the largest city in this country at risk for flood damage. The canals and levees up there need to be reworked. All this amendment says is before we restore beaches—by the way, let me give a little background. The last time there was any flood damage at Imperial Beach was 1988. The total damage was \$500,000 in 1988.

What we do know is, when you restore the sand, one winter storm will wipe it all out. That is why this is a 50-year project. This is planned to restore sand after sand after sand after sand for the next 50 years. It may be the right thing to do, but in terms of making a choice about priorities, wouldn't we think that before we restore sand that is going to be washed away by the next winter storm, maybe we ought to ensure ourselves that the people in Sacramento are safe. So this does not eliminate this project.

I also go back to the history on this project. What is the Corps' No. 1 way of fixing this project? It is not to continue to pump sand onto the beach. It is to have an extended growing out until the beach redevelops and replenishes itself, which was proposed and never finalized before they completed the environmental impact statement on it. That is the way to restore the sand to the beach in a natural way.

So what we have is we are going to take a low-priority item—very high-priority item for some of the people of Imperial Beach, CA, not all of them—we were submitted a letter yesterday by a large group of people who oppose this—and we are going to say that is as important in terms of authorization as fixing the levee system in Sacramento. It is not.

All this amendment says is before you start spending money on restoring sand that is going to be washed away by the next winter storm, you ought to fix the levees where you have 1.8 million people at real risk for flood. It is the largest city in the United States at risk. It has a greater risk of flood than New Orleans. It has an 85-year risk compared to a 250-year risk in New Orleans.

By this amendment, we are not saying do not do this. We are saying, let's add some priorities. Let's fix what is wrong in a major levee system first. Let's have, in this bill, that we are going to choose a priority rather than to send all this to the Corps, which is 27 years behind right now on their projects—will be another 7½ to 8 years after this bill passes—and say, on the

way of priorities, the priority that ought to go first is fixing the levee system in Sacramento. It is not to degrade that this is not needed. I am not saying it is not needed. I am saying, with limited funds, we ought to have a priority.

Many people will argue they will make that decision at the Appropriations Committee. The authorizing bill right now is on the floor. I support many of the projects in this bill. But I think a case can be made, and the American people would demand, we cannot quit ducking priorities. It is easy to say to do everything, as the Senator from California said yesterday. The only problem with that is, we cannot do everything. We cannot do everything, so we have to make a choice. We ought to do those things that will protect the most people, solve the biggest problems first, and then work to the smaller problems.

In 1988 was the last time we ever had any storm damage at Imperial Beach, CA. It was in the midst of storm damage that was less than \$500,000. We are going to be talking about in excess of \$20 million for this beach at the same time we have levees that need to be reworked and reaffirmed in Sacramento.

This amendment is common sense. Let's do what is most important first, and when we have done that, then go do this. Let's do not do them both at the same time, quite frankly, because it will never happen at the same time, because we only have \$2 billion a year for the Corps now and there are hundreds of projects in this country that should be done before this project.

With that, Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. BOXER. Mr. President, there has been some misinformation. The last flooding and very bad winter storm was in 2004, and we have all that documented—in the hundreds of thousands of dollars—in this area. I understand Senator COBURN wants to substitute his opinion for the opinion of the Corps, but I want to go through, with my colleagues who might be listening to this debate, how many steps this project has already been through, as have all the projects we have agreed to fund.

So the WRDA bill is 7 years in the making.

Mr. President, will you tell me when I have 1 minute remaining because I want to yield that minute to Senator INHOFE.

The PRESIDING OFFICER. We are at 1:10 now.

Mrs. BOXER. Mr. President, 1:10 remaining? I thought I had 3 minutes.

The PRESIDING OFFICER. Senator INHOFE used a minute of that.

Mrs. BOXER. Mr. President, I ask unanimous consent that we be given an additional 3 minutes, and the same for Senator COBURN, if he wishes to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I am going to take 2 minutes, and then we will see if Senator COBURN wants to respond, and then we will give the last minute to Senator INHOFE.

There is a lot of misinformation about the flooding here. There is also the implication that this is not an important project, when I have already pointed out how many businesses are at risk, how many residences.

This project has gone through so many steps. First, the local people said: We want to step forward and pay toward solving this problem. Then, the Corps said: You are right. Let's do a cost-benefit study and see if it makes sense for Federal dollars to go into the mix. Well, it came back: Absolutely. Then they said: What is the best type of project? Should we build walls? What should we do? No. They said: The best type of project is to utilize the sand as a natural barrier to these floods.

What we are desperately trying to do is complete this project because we are very concerned we could have even a worse problem than we had in 2004.

As much as I respect my colleague, I feel his judgment is not something I can accept. I cannot look in the eyes of the people who have been fighting for this project since 2003 and say to them they do not deserve to get any attention paid to their problem until Sacramento is taken care of.

I have to say to my friend, in going after this project the way he is, it seems to me he is picking one project out of a hat, which is extremely disturbing.

Mr. President, I know there are those who need to go over to the White House, so I will stop my discussion. I think I have enough information in the RECORD to have colleagues join with me.

I say, if Senator COBURN has anything to add at this time, I will reserve the minute for Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am not going after the project. The project stays. I think the Senator from California misses the point. This beach had restoration done by the city last year. It washed away. The sand they put up there will wash away. It is a temporary fix to a long-term program. That is why they have a 50-year authorization for restoring this beach, because it is going to continue to wash away because they are not fixing it in the way the Corps originally recommended it be fixed.

It is not about picking on this project. It is about, again, shouldn't we have priorities? Isn't it more important to fix Sacramento and the levee system there than this particular project, which has been repaired of late by the city with their own funds? I am not saying we should eliminate it; I am saying we should not do this until we have done the other things that are higher priority on the Corps' list,

which No. 1 in my mind, besides what we need to do in Louisiana, is to restore the levee system in Sacramento.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, is the Senator yielding back time?

All right. In deference to some other things that are going on right now, I will go ahead and yield back my time at this moment.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1090.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Ohio, (Mr. BROWN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), the Senator South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), and the Senator from Arizona, (Mr. MCCAIN).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea" and the Senator from North Carolina (Mrs. DOLE) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 12, nays 77, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—12

Bunning	Ensign	Lugar
Burr	Feingold	Sessions
Chambliss	Gregg	Smith
Coburn	Lott	Sununu

NAYS—77

Akaka	Crapo	Levin
Alexander	Dodd	Lieberman
Allard	Domenici	Lincoln
Baucus	Dorgan	Martinez
Bayh	Durbin	McCaskill
Bennett	Enzi	McConnell
Bingaman	Feinstein	Menendez
Bond	Grassley	Mikulski
Boxer	Hagel	Murkowski
Byrd	Harkin	Murray
Cantwell	Hatch	Nelson (FL)
Cardin	Hutchison	Nelson (NE)
Carper	Inhofe	Pryor
Casey	Inouye	Reed
Clinton	Kennedy	Reid
Cochran	Kerry	Roberts
Coleman	Klobuchar	Salazar
Collins	Kohl	Sanders
Conrad	Kyl	Schumer
Corker	Landrieu	Shelby
Cornyn	Lautenberg	Snowe
Craig	Leahy	Specter

Stabenow	Thune	Webb
Stevens	Vitter	Whitehouse
Tester	Voinovich	Wyden
Thomas	Warner	

NOT VOTING—11

Biden	Dole	McCain
Brown	Graham	Obama
Brownbback	Isakson	Rockefeller
DeMint	Johnson	

The amendment (No. 1090) was rejected.

Mrs. BOXER. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleagues for that overwhelming vote. I view it as a vote that basically says this bill is a good bill. Let's not tinker with this bill unless there is pretty quick agreement on both sides that it is the right kind of amendment. This wasn't the right kind of amendment. We appreciate this vote.

Mr. President, I ask unanimous consent that at 2:15 p.m. today, Senator CARDIN be recognized to call up amendment No. 1072; that once the amendment is reported by number, there be 5 minutes under the control of Senator CARDIN, and that upon the use or yielding back of time, the amendment be withdrawn; that the Senate then resume consideration of the Coburn amendment No. 1089, and there be 2 minutes of debate prior to a vote in relation to the amendment; that upon disposition of the Coburn amendment No. 1089, the Senate consider the Feingold amendment No. 1086, and there be 5 minutes of debate prior to a vote in relation to the amendment, with all debate time equally divided and controlled in the usual form; that prior to a vote in relation to the amendments covered in this agreement, no intervening amendments be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that the following Members be recognized to speak as in morning business: Senators DODD, INOUE, ALEXANDER, and LEVIN and that after that the Senate stand in recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

100TH BIRTHDAY OF FORMER SENATOR THOMAS DODD

Mr. DODD. Mr. President, I am speaking today, as I have for the past 26 years, at the desk my father used during his 12 years as a Member of the Senate, from 1959 to 1971. I would like to think that this surface still bears some of the marks he might have made in an idle moment. As he did almost 50 years ago, I too have etched my name in this desk drawer.

Today I rise to speak of my father, for it was on this day, May 15, 1907, 100 years ago, that my father was born. I have two young daughters, Grace and Christina. They never knew their grandfather. For my girls, he is a painting that hangs in my office, photos in our home, or stories over dinner.

I try to explain, as parents and grandparents do, what their grandfather meant to me, who he was, what he did. I must say, it is hard to find the words. Some of my father's 12 grandchildren were lucky enough to know him. Even so, memory fades; but on this day, his 100th birthday, I wish to call up his memory as a gift to you, his grandchildren, and 17 great-grandchildren.

Like so many of his generation, born in the early years of the last century, my father, Thomas Dodd, had to overcome hardships—the death of his mother at an early age, the collapse of his father's business, the Depression years. Yet so much like his generation, hard jolts and trying experiences transformed and molded a man who would make a significant contribution to his country and our world.

As the Connecticut State director of the National Youth Administration in the early days of the New Deal at the height of the Great Depression, he helped young men and women find work—any work. As an FBI agent and then lawyer in the Justice Department, your grandfather and great-grandfather pursued notorious gangsters and prosecuted those who denied others their civil rights. He helped create the Civil Rights Division of the Justice Department and brought to justice those who committed fraud and espionage. All those experiences were valuable contributions to helping those in need and bringing to justice those who did harm.

But none of those experiences compared to what he called the most important work of his life: his role as executive counsel under Justice Robert Jackson at the Nuremberg trials. By his own admission, this was the most important work of his career. It also was his most important, most life-changing event.

For almost 18 months, from the summer of 1945 to the fall of 1946, he confronted those who were the authors of the worst evil of the 20th century, maybe ever. As one of the leading prosecutors in the most important trial of the 20th century, your grandfather and great-grandfather demonstrated the supremacy of the rule of law over vengeance. Or, as Justice Robert Jackson said at the opening of those trials:

That four great nations, flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of law is one of the most significant tributes that power has ever paid to reason.

From the Nuremberg years, your grandfather and great-grandfather emerged as one of the sharpest defend-

ers of human rights in his day and an outspoken crusader against tyranny in all its forms. To those who suffered under the domination of the Soviet Union, there was no more valiant voice. To this day, he is remembered warmly by those who suffered under dictatorial regimes.

During his 16 years in Congress, first in the House of Representatives and 12 years in the Senate at this very desk, Thomas Dodd worked hard to make a difference in the lives of people everywhere who needed a champion.

Your grandfather's and great-grandfather's career did not end as he wanted it. He did not leave this desk as he would have liked. In 1970, he ran for another term and lost. "Those who fight the times," it was said of him, "do not always have an easy end."

He returned to his home in Connecticut, and shortly after he died, 30 years before you were born, Grace and Christina. At the end of his life, his obituary was headlined "A Lonely Fighter." It struck me as such an odd word for my father, who was such a wonderful storyteller, surrounded cradle to grave by a great big Irish Catholic family. I don't recall my father being alone a day of his life. And yet in his public life he had the politician's rarest virtue: he wasn't afraid to be alone.

However important and interesting your grandfather and great-grandfather's life was, it is a terrible injustice to merely recite the chronology of his experiences. Even more important than what he did was the kind of person he was. Thomas Dodd was principled and courageous, fearless in the face of injustice, and outspoken in his defense of those in need. He was ahead of his time in so many ways—as an advocate for national health care, a proponent of sensible gun safety laws, an early voice warning of the effect of violence on television and the dangers of drug addiction, and a defender of those whose human rights were being denied.

Your grandfather and great-grandfather loved your grandmother and great-grandmother so much. He loved his children very much, as well. But the deep love for my mother was special to behold.

He was loyal to his hometown of Norwich, CT, and he cared deeply about the people of our home State. Thomas Dodd was a person of deep faith and a lifelong friend to many. He was proud of his family, and how proud he would be of his grandchildren and what they have accomplished and of the contribution you and his great grandchildren will make to your world.

Sixty-one years ago next month my father wrote the following words to my mother about his experience at Nuremberg. He was proud of what he had done at Nuremberg. While the words were addressed to his children, they also speak to his grandchildren and great grandchildren.

I feel badly about you being alone with the children, but I'm doing the right thing and I

feel sure we will not regret it. I will never do anything as worthwhile. Some day the boys will point to it, I hope, and be proud and inspired by it.

Only a few weeks before his death, in May of 1971, my father did an interview with a local Connecticut reporter. I was sitting in the room that day when the reporter asked if my father had known at the outset of his public life, when it began in 1932, how it would end, would he do it over again? I shall never forget his unhesitating answer:

I would do it again in a minute, for there is no other calling where you can do as much for as many people as you can in a public life.

My father's answer has been the source of inspiration for me over these past 32 years in public service. So on this, your 100th birthday, from all of us—your six children, your son and daughters-in-law, your 12 grandchildren and 17 great grandchildren—we say thank you, we love you, and happy birthday.

Mr. REID. Mr. President, I didn't know Senator Thomas Dodd, but I know Senator CHRISTOPHER DODD, and I am sure Senator Thomas Dodd is smiling today.

This wonderful family that Senator CHRIS DODD has includes a wonderful wife, Jackie, whom we know, she worked in the Senate and was part of the Senate family before she married CHRIS DODD; and these two beautiful children, whom we in the Senate feel are part of us, Christina and Grace, we have watched them from the day they were born to now in the Senate gallery, and we really do feel they are partly ours.

It is a rare person we find in Senator CHRIS DODD, who now is chairman of the Banking Committee and doing a wonderful job, that committee working with the ranking member, the Senator from Alabama, Mr. SHELBY; and then also running for the Presidency of the United States.

So I say to Senator CHRISTOPHER DODD, I didn't have the opportunity to serve with Senator Thomas Dodd, but in this audience today, here in the Senate, are men—and I look and see two—who served with Senator Thomas Dodd: Senator DAN INOUE and Senator ROBERT BYRD. I have spoken to them about Senators in the past and, of course, they have always mentioned Senator Thomas Dodd because he certainly is a man who made a difference in the Senate, as his son is doing.

One of the things that goes without saying is the ability of Senator CHRISTOPHER DODD to express himself. What an eloquent speaker he is. This is one of the rare times, because of the emotion involved with the words that he spoke, in which he spoke from written text. He usually speaks off the cuff, and he is very good. I understand how difficult this was for him. I could tell, from the tears in his eyes and the lump in his throat, how much he loved his father, his family, and how much he loves his family today.

Mr. INOUE. Mr. President, I rise today to join my leader to honor the distinguished Senator from the State of Connecticut, and one who I was proud to call friend: Senator Thomas Dodd.

Senator Tom Dodd, the father of Connecticut's senior Senator, CHRISTOPHER DODD, would have been 100 years old today. I would like to take a moment to reflect upon his remarkable career.

Tom Dodd was, in many ways, the picture of a Senator. In a tribute shortly after his death in 1971, a colleague said:

His ability was outstanding and his appearance was striking. With the dignity of his bearing and the gray of his hair and his booming resonant voice, he made an impressive figure on the Senate Floor.

But there was much more to Tom Dodd than style. Through a lifetime of service, he brought a dedication of fighting evil in all its forms: in racism, in greed, in sabotage, genocide, and tyranny. Few have piled up such an impressive record.

Tom Dodd began his career as an FBI agent tracking down some of our Nation's worst criminals. In a way, he had something of the FBI agent about him for the rest of his life. He was determined to give wrongdoers no quarter, in word or in action.

During the Great Depression, he led the National Youth Administration of Connecticut, putting thousands of his fellow citizens to work, and then he joined the Department of Justice as a prosecutor. He fought the Ku Klux Klan, long before any Americans saw its true nature.

In later years, he prosecuted union busters who kept workers from bargaining together for fair conditions. And when the Second World War came, he served with devotion on the home front, bringing prosecutions against German American Bundists, Nazi sympathizers who tried to sabotage the war effort.

When the Nazis had been defeated, his country called Tom Dodd to Nuremberg, Germany, to help lead the historic prosecution of Nazi war criminals. And Tom Dodd said yes because he knew that Nuremberg was America's chance to prove its commitment to the rule of law. If we simply gave in to vengeance, we would be walking in the footsteps of those we despised, and Tom knew intuitively that America stood for something more.

He was quickly promoted to executive trial counsel, second only to the lead prosecutor, Robert Jackson. Laying before the world indisputable proof of the Nazis' crimes, Tom and his colleagues succeeded. They had sacrificed the certainty of an execution for the uncertainty of a trial. The test was one of principle over power—and America passed.

Tom's lifetime of service was crowned with two terms in the House and then election to the Senate. He served in this Chamber—at the desk now occupied by his son CHRIS—for 12

years. In the face of enormous opposition, he passed America's first comprehensive gun control law. He fought drug abuse and juvenile crime and violence on television. He protected the homeland on the Internal Security Subcommittee and was one of our most eloquent voices in support of the International Genocide Convention. Tom Dodd said had it been in force in the 1930s, the crimes of Hitler might have been deterred.

For the rest of his life, Tom remembered what he had seen at Nuremberg. He had seen tyranny face to face; he had seen, as he put it, an "autopsy of history's most horrible crime." And he remained an enemy of tyranny for the rest of his life. He knew, as one author put it, that the Nazis' "corruption of spirit, the irresistible human addiction to power, were like first drafts of a terrible future." So he spoke out against that corruption wherever it showed itself, and against Communist tyranny above all.

One colleague remembered that Tom Dodd's many foreign policy speeches "were memorable in the annals of the Senate for their scope and their scholarship, their philosophical consistency, and their nonpartisan nature."

True, Tom's career did not end as he would have wanted it. In 1970, he ran for another term as an Independent and lost. He returned to his home in Connecticut, and shortly after passed away. But through those last, difficult months—and I remember it well even today—he held his head high.

Tom's steadfast example and his eloquent words remain with me still. In 1950, Tom Dodd said the following:

At Nuremberg, we laid down the doctrine that individuals are responsible for some offenses. It always seemed to me that it is the people who make up the government. Individual people.

What holds true for the worst surely holds for the best. Behind all of Tom's achievements there was an indelible individual—passionate, strong, wise, and brave. I was privileged to call him among my friends. I have no doubt that he would be so proud of his children today.

Mr. ALEXANDER. Mr. President, I think I am next in order, but I see some of Senator DODD's colleagues, and if they want to speak to Senator DODD, I would be happy to defer.

Mr. DURBIN. Mr. President, I would be happy to defer to the Senator from West Virginia, if he wishes to speak.

Mr. BYRD. Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I knew Tom Dodd. I served with Tom Dodd. He reminded me of a Roman Senator. God bless him. It has been quite some time since Senators talked about the case for censure against Senator Tom Dodd. These remarks on the floor today bring back to mind those difficult days.

I have grown quite close to Tom Dodd's son, Senator CHRIS DODD. We have sat next to each other in the Sen-

ate for ten years. He is a fine Senator and a fine man.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I had not planned to speak until I heard Senator CHRIS DODD with his tribute to his father. It brought back, quickly, an early memory, my own memory of his father. It goes back to an earlier time when I was a college intern in the office of Senator Paul Douglas, whose office was next-door to Senator Dodd's office. I can recall, as a college student, watching as Senator Dodd would come and go.

Of course, we all knew his name. We all knew what a great contribution he had made to the Senate. It was not until later that I read about what a great contribution he had made to the world.

I recall, when Senator CHRIS DODD, his son, came to the floor when we were in the midst of debating how we would conduct ourselves on this war on terror and gave one of the most memorable speeches in the history of the Senate, talking about the standards that a nation should live by even in the midst of a war. He recalled the inspiration of his father, an inspiration that has been mentioned several times this morning—the service his father gave to America and to the world at the Nuremberg trials.

Senator CHRIS DODD said on the floor:

To watch the U.S. Senate, on the anniversary of the Nuremberg trials, step away from the great principles enshrined at that time is one of the saddest days I've ever seen in . . . my almost 30 years in serving in this body.

I remembered that speech, and I wanted to enter this quote in the RECORD for one simple reason. We all wonder what our legacy will be, those of us who are fortunate enough to serve in the Senate. In the history of this country, 1,895 men and women have had this high honor to serve here. Some have faded into obscurity. Their names can hardly be recalled. Others left great legacies. Certainly, Senator Thomas Dodd did, in his public service, both before the Senate and the House, and after and during.

But he also left another piece of legacy which we in the Senate appreciate today. He left a son dedicated to public service, a son who has not only carried on in his tradition of public service but has honored his father's memory with that service. When CHRIS DODD came to the floor and recalled his father's contribution in the Nuremberg trials, in a war-torn world trying to find some peace and some direction, he remembered his father's work and brought it with him to work that day in the Senate. His voice on the issue of habeas corpus and the treatment of prisoners has been an inspiration to all of us.

As I listened to him pay tribute to his father, a tribute which his father richly deserved, I wanted to join paying tribute to his father and to his father's son who carried on in such a great tradition of public service.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I will be very brief, I say to the Senator from Tennessee. I was in the Chamber when Senator DODD was paying tribute to his father on what would have been his 100th birthday. I didn't want to let this moment slip by without telling Senator DODD, when I was a young boy, I was up in this gallery. I don't know if it was this gallery or this one, but I was looking down and I remember seeing your father.

I asked the people who were sitting with me: Who is that Senator?

They said that was Senator Tom Dodd.

I said: That man looks like a Senator.

Mr. DODD. Right.

Mr. CONRAD. He had that booming voice, and he had an air about him, an air of authority. It was very interesting to see others' reaction to him. You could see they had respect for him in the way he was addressed.

I later, then, read a book about him. I don't think I have ever told Senator DODD this, but I read a book about your father, about the life he had led. I remember distinctly about his being an FBI agent and the Nuremberg trials. That made a great impression on me.

Then, when I came to the Senate and had the opportunity to serve with Senator CHRIS DODD, I thought: You know, you couldn't be more proud. Your father, looking down on all of this—he could not be more proud than to have his son in his seat in the Senate, somebody who also looks like a Senator—but much more than that, someone who, similar to his father, commands respect from other Senators because of the quality and the character of his work.

I yield the floor.

Mr. DODD. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am glad I have had an opportunity to hear this and will only say, to make certain the same sentiment is expressed from this side of the aisle—I knew Senator DODD's father. I didn't know him well or personally, but I knew him because I was Senator Howard Baker's legislative assistant at a time when Senator Dodd served here. I admired him. I respected him. More importantly, I remember the respect Senator Baker and others had for him and for his long and distinguished career.

My own father would be 100 years old this year, so I understand the enormous pride this Senator DODD has for his father, Senator Dodd. Senator DURBIN and Senator CONRAD and others said this as well: The father would be proud of the son.

I had the privilege of serving as sometimes the chairman, sometimes the ranking member, of committees

with Senator CHRIS DODD. It is a tremendous pleasure to see how he cares, especially for children and families in the workplace and contributions he has made here.

This is a day for a tribute to the father and a day that we are sure his father would have great pride in his own son.

Mr. DODD. I thank the Senator.

Mr. ALEXANDER. If there are no other comments regarding Senator Dodd, I would like to talk about immigration.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Chair.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1393 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

(The remarks of Mr. LEVIN pertaining to the introduction of S. 1395 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEVIN. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:54 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

WATER RESOURCES DEVELOPMENT ACT OF 2007—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland, Mr. CARDIN, is recognized.

AMENDMENT NO. 1071 TO AMENDMENT NO. 1065

Mr. CARDIN. Mr. President, I ask unanimous consent that the previous order be modified to provide that the amendment I intend to call up is amendment No. 1071.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1071.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself, and Ms. MIKULSKI, proposes an amendment numbered 1071 to amendment No. 1065.

The amendment is as follows:

(Purpose: To provide for the siting, construction, expansion, and operation of liquefied natural gas terminals)

At the appropriate place in title V, insert the following:

SEC. 5. SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.

Section 10 of the Act of March 3, 1899 (33 U.S.C. 403), is amended—

(1) by striking the section heading and designation and all that follows through "creation" and inserting the following:

"SEC. 10. OBSTRUCTION OF NAVIGABLE WATERS; WHARVES AND PIERS; EXCAVATIONS AND FILLING IN.

"(a) IN GENERAL.—The creation"; and

(2) by adding at the end the following:

"(b) SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.—The Secretary shall not approve or disapprove an application for the siting, construction, expansion, or operation of a liquefied natural gas terminal pursuant to this section without the express concurrence of each State affected by the application."

Mr. CARDIN. I ask unanimous consent that Senators LIEBERMAN and DODD be added as cosponsors of amendment No. 1071.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 5 minutes.

Mr. CARDIN. Mr. President, this amendment would restore the authority of State and local governments to protect the environment and public safety of the sitings of liquefied natural gas, LNG, terminals within their own State. The amendment is drafted to be an amendment to the Rivers and Harbors Act of 1899, which gives the Army Corps authority on section 10 permits. The current law on the siting of LNG plants basically allows the Federal Energy Regulatory Commission to site without the consultation or approval of State or local governments. This amendment is an effort to restore federalism to the process of siting LNG plants.

There are now dozens of proposals to site new LNG plants in the United States. Some are being suggested to be sited near population centers, which raises serious concern about public safety.

Let me point out that LNG plants and the tankers that bring in the natural gas are very much targets of terrorism. Richard Clarke, a former Bush administration counterterrorism official, said LNG plants and tankers are "especially attractive targets" to terrorists. The risks are great. We know LNG plants can spark pool fires, which are high-intensity fires, extremely difficult to extinguish. CRS has reported in the last six decades there have been 13 serious accidents involving LNG plants, including one in the State of Maryland in 1979 that had a fatality associated with it.

Maryland has one of the six LNG plants in our country, and there is a proposal to add another LNG plant in Maryland. AES Sparrows Point LNG and Mid-Atlantic Express intend to site a new LNG plant at Sparrows Point in the Baltimore metropolitan area. This is right in the middle of a population center. It is opposed by the congressional delegation. It is opposed by the Governor. It is opposed by the county executive in the jurisdiction in which the LNG plant is to be sited. It is unacceptable public safety, an economic and environmental risk. Yet there has been no consideration given by the individuals who want to site this plant to

the concerns of local government. It is totally up to FERC to make the decision, and that is wrong. State and local governments should have a meaningful opportunity to participate in decisions of siting LNG terminals. That is exactly what this amendment would do.

I see the distinguished chairman of the Environment and Public Works Committee on the Senate floor. I respect her judgment as to the importance of moving forward on this bill. This amendment, because it hasn't been cleared, could add some difficulty to that process. It is within the jurisdiction of the Environment and Public Works Committee on which I serve, and I hope our committee would hold hearings on this issue and consider another vehicle which may be more appropriate than the bill currently before us to deal with the appropriate input of State and local governments on the siting of LNG plants. We have a responsibility to do that. We have a responsibility to our communities. We have a responsibility for public safety. We have a responsibility to make sure it is done right. Allowing FERC to do that without the input of State and local government is wrong.

I hope there will be another opportunity that I will be able to either have a public hearing or an opportunity to discuss this amendment further.

I am pleased several of my colleagues have expressed interest in the amendment. This certainly will not be the last time I will have an opportunity to talk about it.

AMENDMENT NO. 1071 WITHDRAWN

With that, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1089 TO AMENDMENT NO. 1065

Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1089 offered by the Senator from Oklahoma, Mr. COBURN.

Mr. COBURN. Mr. President, the amendment is very simple. There are three visitor centers now within 77 miles of the proposed site of this visitors center. Thousands of people, tens of thousands of people in Louisiana still live in trailers. We are going to add a fourth visitors center, and that duplicates exactly the same thing in the area.

It may be a good idea. I am not against it. But how dare we spend money and authorize a project when we haven't taken care of the folks of Louisiana. All this says is, we set priorities. We make sure the people of Louisiana are out of their temporary housing and into permanent housing before we go about spending millions of dollars on a visitor center. It has been stated that there would be no cost, as the center has already been built.

I ask unanimous consent to print in the RECORD an e-mail I received today from the Corps of Engineers saying this center has not been built and will, in fact, expend a great deal of Federal taxpayer money when it is.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From: Greer, Jennifer A HQ02
Sent: Monday, May 07, 2007 12:05 PM
To: Treat, Brian (Coburn)
Subject: Info

Brian, wanted to check in. I know people are working this, but I am out of town and have a bit of trouble coordinating. Just wanted to let you know we didn't forget. I will send an update on status asap. Jennifer

From: Treat, Brian
To: Greer, Jennifer A HQ02
Sent: Mon May 07 21:41:09 2007
Subject: RE: Info

Thanks Jennifer. Any word on when we'll receive the information?

I will be updating my boss in the morning and just wanted to make sure.

Thanks again for your help.

Brian

From: Greer, Jennifer A
To: Treat, Brian (Coburn)
Sent: Mon May 07 21:51:59 2007
Subject: Re: Info

I think tomorrow. will stay in touch.

From: Treat, Brian
To: Greer, Jennifer A HQ02
Sent: Mon May 07 22:44:24 2007
Subject: Re: Info

One other question. In WRDA, the bill is authorizing an upgrade to the Morgan City, LA visitor center. Do you know if the original type B center was ever built or if this is merely changing the 86 authorization? Thanks.

From: Greer, Jennifer A
Sent: Tuesday, May 08, 2007 9:16 AM
To: Treat, Brian (Coburn)
Subject: Re: Info

Brian, the center was never built. Jennifer
The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from California.

Mrs. BOXER. Mr. President, I hope we will do what we did on the last amendment, which is to say no to it because, as we learned from the Senators from Louisiana, this particular amendment is directed at the local people who are willing to pay 100 percent for this center. The fact is, Louisiana is never going to get on its feet if it does not revive tourism. Let's face it. It isn't that we can say: Let's just build the flood protection and worry about the visitor centers later. There is a certain amount of linear thinking going on behind this amendment and the one before.

This is the United States. We have to do everything; we can't just do one thing. We have to build the flood protection, and we have to revive Louisiana's economy. This is a rather mean-spirited amendment in the sense that not even a penny of Federal money is involved in the building of this particular center. I urge a "no" vote.

I yield back all time.

The PRESIDING OFFICER. All time has expired.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1089. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHN-SON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. DEMINT), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), and the Senator from North Carolina (Mrs. DOLE).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) and the Senator from North Carolina (Mrs. DOLE) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 11, nays 79, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—11

Bunning	Craig	Kyl
Burr	Crapo	Smith
Chambliss	Ensign	Sununu
Coburn	Hutchison	

NAYS—79

Akaka	Grassley	Nelson (FL)
Alexander	Gregg	Nelson (NE)
Allard	Hagel	Obama
Baucus	Harkin	Pryor
Bayh	Hatch	Reed
Bennett	Inhofe	Reid
Biden	Inouye	Roberts
Bingaman	Isakson	Salazar
Bond	Kennedy	Sanders
Boxer	Kerry	Schumer
Byrd	Klobuchar	Sessions
Cantwell	Kohl	Shelby
Cardin	Landrieu	Snowe
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Clinton	Levin	Stevens
Cochran	Lieberman	Tester
Coleman	Lincoln	Thomas
Collins	Lott	Thune
Conrad	Lugar	Vitter
Corker	Martinez	Voinovich
Cornyn	McCaskill	Warner
Dodd	McConnell	Webb
Dorgan	Menendez	Whitehouse
Enzi	Mikulski	Wyden
Feingold	Murkowski	
Feinstein	Murray	

NOT VOTING—10

Brown	Domenici	McCain
Brownback	Durbin	Rockefeller
DeMint	Graham	
Dole	Johnson	

The amendment (No. 1089) was rejected.

The PRESIDING OFFICER. Under the previous order, there will now be 5 minutes of debate equally divided on amendment No. 1086 offered by the Senator from Wisconsin, Mr. FEINGOLD.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, last week I spoke at length on my prioritization amendment. I urge all my colleagues to support the Feingold-McCain-Coburn-Carper-Gregg-Sununu-DeMint amendment.

This important amendment would help jump-start a process for ensuring

that limited taxpayer dollars go to the most worthy water resources projects.

Right now, Congress does not have any information about the relative priority of the nearly \$60 billion authorized but unbuilt corps projects. What we do have is individual Members arguing for projects in their States or districts, but no information about which projects are most important to the country's economic development or transportation systems, or our ability to protect citizens and property from natural disasters.

This amendment would create a temporary group of water resources experts to do two things: (1) make recommendations on a process for prioritizing corps projects; and (2) analyze projects authorized in the last 10 years or that are under construction, and put similar types of projects into tiers that reflect their importance. This would be done with clear direction to seek balance between the needs of all States.

This information will be provided to Congress and the public in a nonbinding report. That is—Congress and the public get information to help them make decisions involving millions, even billions, of dollars. We need to get ideas on the table, and I think my colleagues will agree that a report with recommendations to Congress is a good, commonsense first step.

The New Orleans Times Picayune certainly does. Just yesterday, the paper editorialized in favor of my amendment and stated:

Using objective criteria rather than political clout to decide what should be done is a smart, reform-minded step.

This amendment also has the support of a number of taxpayer and conservation groups.

I thank the chairman and ranking member for their efforts to retain key reforms in the underlying bill; however, this is a critical reform component and I urge my colleagues to support this amendment.

I yield the floor.

• Mr. MCCAIN. Mr. President, I am pleased to join Senator FEINGOLD, along with Senators COBURN, CARPER, GREGG, SUNUNU, and DEMINT, in offering this important amendment. It is designed to help Congress make informed decisions on which Army Corps projects should be funded based on our national priorities.

In August 2005, our Nation witnessed a devastating natural disaster. When Hurricane Katrina hit the shores of the gulf coast, it brought destruction and tragedy beyond compare; more so than we have seen in decades. Almost 2 years later, the gulf coast is still trying to rebuild and our Nation continues to dedicate significant resources to the reconstruction effort. One of the many lessons we learned from Katrina is that we must ensure that our Army Corps resources are being used in the most productive and efficient manner possible. It is time that this Congress took a hard look at how we are spending our

scarce Army Corps dollars and whether or not they are actually reaching our most critical projects.

Our current system for funding Corps projects is not working. Under today's practice, Members of Congress commonly submit requests for pet projects important to their constituency, and those requests are essentially horse-traded by committee and party leaders. Too often a Member's seniority and party position dictates which projects will be funded. Instead of relying on political muscle, we should fund projects based on national priority. But under the current regime, requests are made and filled without having a clear picture of how a project affects the overall infrastructure of our Nation's waterways or where it fits within our national waterway priorities. That shouldn't be acceptable to anyone in this Chamber, and it isn't acceptable to the American public.

Now, many of my colleagues are thinking, "there he goes again, railing against earmarks." But earmarks aren't the full story here. There is a \$58 billion backlog of Corp projects today, and the bill before us proposes to add another \$15 billion, according to the Office of Management and Budget. Unfortunately, the Corps receives \$2 billion annually on average, so there is no way to fund most of these projects. What is more troubling is that there is no way to know which projects warrant these limited resources because the Corps refuses to tell Congress what it views as national priorities. In fact, every time Congress specifically requests a list of the Corps' top priorities, the Corps claims it's unable to provide an answer. This is clearly unacceptable and cannot result in the best interests of public safety.

The sponsors of this amendment are not the only ones who are concerned. Let me quote Representative HOBSON, former chairman of the House Energy and Water Appropriations Committee, from his statement on the floor on May 24, 2006:

Last fall, we asked the Corps to provide Congress with a "top 10" list of the flood control and navigation infrastructure needs in the country. The Corps was surprisingly unable or not allowed to respond to this simple request, and that tells me the Corps has lost sight of its national mission and has no clear vision for projects it ought to be doing in the future . . . frankly, what is still lacking is a long-term vision of what the Nation's water resources infrastructure should look like in the future. "More of the same" is not a thoughtful answer, nor is it a responsible answer in times of constrained budgets.

In February of this year, the National Academy of Public Administration, NAPA, issued its report, "Prioritizing America's Water Resources Investments, Budget Reform for Civil Works Construction Projects at the U.S. Army Corps of Engineers." The Report included the following findings:

The present project-by-project approach, with lagging project completions, on-again-off-again construction schedules, and dis-

appointed cost-share sponsors that do not know what they can count on, is not the best path to continued national prosperity.

The prioritization process is not transparent. At several points, within both the executive and legislative branches, the decision process is not sufficiently open or documented so that the public can readily understand the reasons for funding or not funding projects.

Larger questions emerged that bear on the future sustainability of the nation's water resources . . . The answer to these questions should begin with a fundamental reassessment of national water resources needs, goals, and strategies. It should end with a substantially reshaped planning and budgeting process . . .

Our amendment is designed to address these problems and shed light on the funding process. It would allow both Congress and the American people to have a clearer understanding of where our funding should be directed to meet the most pressing water infrastructure needs of the country.

Last year, we proposed a related amendment during debate on the Water Resources Development Act. While that amendment was intended to help Congress make clear and educated decisions on which Army Corps projects should be funded based on our nation's priorities, concerns were raised about specific provisions of the amendment and it eventually was rejected. Therefore, we have revised our amendment to address the concerns we heard on the floor last July.

For example, there was concern that our previous amendment gave too much power to the administration by placing the power of prioritization in the hands of a multi-agency committee. The amendment before us responds to those concerns by establishing an independent commission that would review Corps projects that are currently under construction or have been authorized during the last 10 years. These projects would be evaluated by several commonsense, transparent criteria. They would also be divided and judged within their own project category such as navigation, flood and storm damage reduction, and environmental restoration. Each project category would be broken into broad, roughly equal-sized tiers with the highest tiers including the highest priority projects and on down the line. The commission would prepare an advisory report detailing its findings that would be sent to Congress and be made available to the public. Similar to our prior proposal, the prioritization report required under our amendment is an effort to inform Congress, but it does not dictate spending decisions.

To more fully understand the need for a prioritization system, let's consider funding for Louisiana in the fiscal year 2006 budget. The administration's budget request included 41 line items or projects solely for Louisiana that totaled \$268 million. That works out to \$6.5 million per project on average. The House Energy and Water Appropriations bill included for Louisiana 39 line items or projects totaling \$254 million—again in the neighborhood of \$6.5

million per project. The Senate bill included 71 line items or projects to the tune of \$375 million—averaging out to \$5.3 million per project. So, while even more money was proposed for Louisiana under the Senate version, individual projects would receive less money and, inevitably, this would result in delays in completing larger projects. This all comes down to the real-world consequences of earmarking. Communities actually lose under the earmarking practice.

Can we really afford long, drawn out delays on flood control projects that people's lives depend on simply because too many members are fighting to earmark projects important to them, but without the benefit of how such projects fit into the country's most pressing needs? We lack the information we need to offer us guidance in funding Corps projects. Without such guidance, we will only further the risks to public safety and continue to delay the timely completion of critical projects. Now, some may believe that under our amendment smaller projects will lose out. However, the size of the project has no impact on the prioritization system. In fact, this objective system will help find the hidden gems in the Corps project list and highlight their importance.

It is time that we end this process of blind spending, throwing money at projects that may or may not benefit the larger good. It is time for us to take a post-Katrina look at how we fund our water resources projects. Shouldn't we be doing all that we can to reform the Corps and ensure that most urgent projects are being funded and constructed? Or, are we going to be content with business as usual? As stated in a letter signed by the heads of Tax Payers for Common Sense Action, the National Taxpayers Union, and the Council for Citizens Against Government Waste in support of our amendment:

Enough is enough . . . we need a systematic method for ensuring the most vital projects move to the front of the line so limited taxpayer funds are spent more prudently.

I commend Senator FEINGOLD for his efforts to build on and improve upon the Corps reforms that we've worked to advance during the reauthorization debate. Corps modernization has been a priority that Senator FEINGOLD and I have shared for years, but never before has there been such an appropriate atmosphere and urgent need to move forward on these overdue reforms.

This important prioritization amendment has been endorsed by many outside groups, including Taxpayers for Common Sense Action, National Taxpayers Union, Citizens Against Government Waste, American Rivers, National Wildlife Federation, Earthjustice, Environmental Defense, Republicans for Environmental Protection, Sierra Club, and Friends of the Earth.

The Corps procedures for planning and approving projects, as well as the

Congressional system for funding projects, are broken, but they can be fixed. This amendment is a step toward a more informed public and a more informed Congress. We owe the American public accountability in how their tax dollars are spent. Literally, lives depend on it.

I urge my colleagues to support this amendment.●

Mrs. BOXER. Mr. President, I yield myself 1 minute 20 seconds, and I will yield the rest of the time to Senator INHOFE.

I thank Senator FEINGOLD for being a leader on Corps reform. I don't view this amendment as reform. My colleague says we have to take the politics out of the decisionmaking process. Well, the fact is, his commission is a political commission appointed by the President, appointed by the Speaker, the minority leader, and so on. So he is taking the decisions, in many ways, away from us. Therefore, I call this the "we have met the enemy, and it is we" amendment—taking the power away from us to decide what is important in priorities and adding another layer of bureaucracy in political appointees, who are now going to slow things down.

We do have problems. It has taken 7 years to get to this point with WRDA. There are checks and balances every step of the way. We have very tough criteria in this bill. I know the occupant of the chair knows that because he is on the committee.

Senator INHOFE and I have said the locals have to pay their share. The cost/benefit ratio has to be in place. Everything has to be thought through. The Corps has to make their report. They come to the committees, and they go through authorization and appropriation.

I hope we will vote no on this amendment.

I yield to my friend.

Mr. INHOFE. Mr. President, first of all, I agree with what the Senator just said. We have plowed this field before. The votes were 88 votes against last time. Nothing has changed. I know the intentions of the Senator proposing this are right, but the amendment assumes there is one, and only one, correct rank list of projects, and we need to have somebody else write it down. We already have the Corps of Engineers going through and determining, as Senator BOXER said, what the criteria is and why these things should be considered, and normally it would then come to us. I think that is what we are supposed to be doing; it is why we are elected. So now we would have, if we pass this amendment, one more bureaucracy between the Corps and us. If there is anybody on the conservative side who thinks it inures to anyone's benefit to have one more layer of bureaucracy, then this is your chance to vote for it.

I ask that you oppose this amendment.

I yield back my time.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHN-SON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), the Senator New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea."

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 69, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—22

Allard	Corker	McCaskill
Bingaman	Dodd	Nelson (FL)
Burr	Ensign	Sanders
Carper	Feingold	Sununu
Casey	Gregg	Voinovich
Clinton	Kohl	Webb
Coburn	Landrieu	
Collins	Lieberman	

NAYS—69

Akaka	Grassley	Murray
Alexander	Hagel	Nelson (NE)
Baucus	Harkin	Obama
Bayh	Hatch	Pryor
Bennett	Hutchison	Reed
Biden	Inhofe	Reid
Bond	Inouye	Roberts
Boxer	Isakson	Salazar
Bunning	Kennedy	Schumer
Byrd	Kerry	Sessions
Cantwell	Klobuchar	Shelby
Cardin	Kyl	Smith
Chambliss	Lautenberg	Snowe
Cochran	Leahy	Specter
Coleman	Levin	Stabenow
Conrad	Lincoln	Stevens
Cornyn	Lott	Tester
Craig	Lugar	Thomas
Crapo	Martinez	Thune
Dorgan	McConnell	Vitter
Enzi	Menendez	Warner
Feinstein	Mikulski	Whitehouse
Graham	Murkowski	Wyden

NOT VOTING—9

Brown	Dole	Johnson
Brownback	Domenici	McCain
DeMint	Durbin	Rockefeller

The amendment (No. 1086) was rejected.

Mr. INHOFE. Madam President, I ask unanimous consent that there be 20 minutes equally divided between the Senator from Connecticut and the Senator from Nebraska prior to the time of taking up consideration of the Kerry amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Madam President, I would say it would be Senator HAGEL first, followed by Senator DODD.

Mr. INHOFE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

IRAQ

Mr. HAGEL. Madam President, I rise today to address the issue of Iraq. The debate on Iraq over the last few weeks in our country and the Congress has been centered on conditions for America's continued involvement in Iraq. Unfortunately, it has been defined by many in the context of political winners and losers. Either President Bush wins or Congress wins. That is not responsible legislation. That is not a responsible approach to a serious issue such as a war, when today we have crossed over to 3,400 Americans killed in Iraq.

The troops will get their money. They need to get their money. We will find a center of gravity that will accommodate the President and the Congress with the appropriate language or conditions for America's continued involvement in Iraq. The question we need to focus on now is: Where is Iraq headed? The answer will require an honest and clear analysis of the facts, as the facts are on the ground in Iraq today.

I returned 3 weeks ago from my fifth trip to Iraq, and there is not much good news in Iraq. There is no point unraveling the last 4 or 5 years of mistakes and bad decisions or assigning blame. We are where we are. We are where we are, and we must get beyond the immediacy of today and the debate over the conditions of our continued involvement. We need to ask the question: What happens next? What happens in September and October? What comes after, hopefully, a reduction in violence? Where are we going in Iraq? How do we get there? Do we need a new strategy in Iraq, new thinking?

As Secretary of Defense Gates has said, America's continued support is not open-ended, and the American people have registered that fact very clearly. Iraq is caught in a vicious complicated cycle of violence, despair, and no solutions. This cycle must be broken. American military power alone will not be the solution in Iraq. General Petraeus and all of our military leaders have stated this.

Iraq's political system and leaders seem incapable of finding a political accommodation to move Iraq toward a political reconciliation. Our civilian and military leaders all agree there is no military resolution. That is only a temporary holding pattern for the Iraqis to find that new consensus of governance, and only a political resolution in Iraq will sustain that new center of gravity and that new consensus.

Some strategic new thinking must be found in Iraq for our policies, not unlike what Ambassador Carlos Pasqual, Larry Diamond, and many others, have been thinking and writing about and putting forward over the last few weeks. First we must take the Amer-

ican face off of Iraq. Get America out of the middle of the Iraqi political process. We are exacerbating, we are complicating the problem; not because we are not well-intentioned and have not made tremendous sacrifices but because the people of Iraq and the people of the Middle East believe we are still an occupying power after 4 years in Iraq.

We must engage, as the Baker-Hamilton report recommended, Iran and Syria. The Bush administration deserves credit in beginning the engagement; however, it needs to be done in a regional framework, not a series of bilateral talks with unclear or disjointed purposes and objectives. The time has come to consider an international mediator for Iraq—probably under the auspices of the United Nations—to begin a new process for achieving some form of political accommodation in Iraq. The Iraqis are obviously incapable of bringing that consensus, that accommodation together. Only a credible and trusted outside influence can bring this political reconciliation about in Iraq. If it can be done, it will be up to the Iraqis to support it and to sustain it. America cannot do that for them.

There are significant political, cultural, historical, religious, and regional differences between Iraq and other countries that have had UN mediators, such as Afghanistan, Kosovo, East Timor, and Northern Ireland. But they have been tailored to work, and they have worked.

We have to understand we have no options in Iraq today. There is chaos today in Iraq. We must change direction, strategy, and policy. America can continue to support this process and help ensure the success of this mediation, but we can't, and we won't, continue to be the occupying power in Iraq.

America has an important strategic, geopolitical, energy, and economic interest in the Middle East. It would be irresponsible to abandon Iraq and other interests in the region. But if we don't find a new direction soon, and a responsible and workable policy to help the Iraqis find some core stability, bringing some political consensus, America will leave and the Middle East could then erupt into a very dangerous regional conflagration. Reality and clear new strategic thinking being incorporated in a new direction and policy in Iraq is now required. These are the essential dynamics the Congress must now engage in—the Congress, with the President—and we must put aside the partisan dynamics, the partisan difficulties and differences. War should never be held captive to partisanship. It should never be a wedge issue for either political party. This is too serious. It is very serious.

As we enter our fifth year, with the kind of money and casualties we have invested in Iraq, we must ask ourselves: Where do we go next? How do we get there? I think that will depend on some bold new strategic thinking,

incorporating a new UN mediator we can support and frame and be a part of, and taking the American face off of the political process in Iraq. These are the issues we must debate and find consensus on.

I would hope as we work our way through the differences on the \$100 billion in additional spending for Iraq and Afghanistan that we will move to that next series of significant consequences and seriously find a new strategy and policy for Iraq and America's interests in Iraq and the Middle East.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, before he leaves the floor, let me commend my colleague from Nebraska. He and I have worked on a number of issues over the years. In fact, in my remarks—and I had no knowledge when I prepared these remarks that I would be following my colleague from Nebraska—I quote some of the statements he has made about the situation in Iraq.

I commend him for his candor and his directness. He brings a lot of experience and knowledge to these issues, and is as deeply committed as anyone here to the well-being of our men and women in uniform, regardless of where they serve. He has clearly pointed out what is necessary here, not only the resolution of our military presence in Iraq but, just as importantly, what comes afterward: How do we then move beyond the military question to the political, diplomatic, and economic issues that offer some hope to the Iraqi people and ourselves for reemerging in peace and stability in that part of the world. I commend him for his comments.

I rise today to urge my colleagues to support the Feingold-Reid-Dodd amendment, which will come up at some point on this water bill under arrangements that the leader has provided, along with others. I would have preferred a freestanding proposal by my colleague from Wisconsin, whom I am pleased to join today, but under the circumstances, I recognize this may be the best opportunity we will have to actually debate his amendment, and I urge my colleagues to be supportive of his proposal. I realize it is a proposal that has some critics, but I believe it is the most honest, straightforward answer to the present situation in Iraq, one that is deteriorating by the hour, I would point out.

We need to reverse 4 years of a failed policy by safely redeploying our troops out of harm's way, out of the middle of Iraq's civil war. Despite our best wishes, and our military's best efforts, we are unable to solve Iraq's problems and their civil war. That has become clear. We cannot do that with military force. That was the conclusion of our military leaders 4 years ago, and they have never wavered in that conclusion. There is not a military solution to Iraq's civil war.

After invading over 4 years ago, we still lack a coherent strategy, and our

military presence has not improved the security situation in Iraq. The valor, the determination, the courage of our service men and women has been remarkable, and all of us in this Chamber, I believe, share that view. Yet the situation in Iraq grows worse, literally by the hour. This is simply unacceptable.

The President of our country contends now, as he contended for the last 4 years, and I quote him:

Absolutely we're winning. Things are getting better. We do have a strategy, but it just needs more time.

Those statements are false, unfortunately. We have no strategy in Iraq, in my view, just a surge tactic in search of a strategy. We had a surge in late 2005, and the result was the worst year of violence in Iraq since the war began. We also had two additional surges in Operation Together Forward I and II, and both of those surges failed as well.

My colleague, Senator HAGEL from Nebraska, recently argued, and I quote him here:

The President's strategy is taking America deeper and deeper into quagmire, with no exit strategy. The strategy to deepen America's military involvement in Iraq will not bring about a resolution in Iraq.

I wholeheartedly agree with that conclusion. As the Baker-Hamilton report rightly concluded, there will be no military victory in Iraq. Iraq's civil war cannot be solved with military force alone. Only Iraqis can solve the quagmire now facing their country. Only Iraqis can choose to reconcile, to reach power-sharing agreements, to govern and police collectively, and to share the country's oil wealth.

But despite our best hopes that is not happening, and our military is unable to make that happen. This is why the surge tactic is fundamentally flawed. We cannot implement a military solution to what is fundamentally a political conflict in that country.

I believe we have a moral obligation to protect Iraqis and to help them reach these compromises, but we are not succeeding in doing that. In fact, for 4 years now we have not succeeded in doing that as well. An objective look at key indicators since our invasion will demonstrate that the situation has steadily deteriorated each year under the Bush administration. Whether you examine the number of civilian deaths, the number of internally displaced refugees, the number of Iraqis who fled their country, now in excess of 2 million, or in the amount of power and water flowing into Iraqi homes, all of these indicators demonstrate the overall situation in Iraq has not improved. In fact, it has deteriorated during the last 4 years. That is why I believe we must begin redeploying our forces out of Iraq within the next 120 days and complete the redeployment within the next year.

That is why I also believe that simultaneous to redeployment, and after the redeployment has been completed, we must conduct targeted counterterror-

ism activities to protect the Iraqi population from terrorists, to expunge al-Qaida from Iraq, and help ensure Iraq does not become a terrorist safe haven. I note that while I agree with Senator LEVIN that military readiness is currently lacking, I am concerned by the waiver provisions included in the amendment of my colleague from Michigan. It is true that due to the administration's defense policies many U.S. combat forces are not mission ready, are not adequately trained, and have not been given appropriate resting periods between deployments.

I recently visited some soldiers at Walter Reed Hospital who had been injured in Iraq. I asked them how much cooperation they were getting from the Iraqi people and what their observations were.

Without quoting them directly, let me paraphrase their comments. They said while the Iraqi people seem to be pleasant people and many seem to be interested in doing what they could to be helpful, in too many instances they pointed out that the civilian population knew where these IEDs were, these roadside devices. They knew where the "ammo dumps," or the ammunition stockpiles were. Yet they never ever shared this information with our military in the communities where we were trying to provide security.

One soldier pointed out that we would spend a month and a half cleaning out an area with problems, and an hour and a half after they had left, things were right back where they were a month and a half before. Those are their words, not mine.

We know hear that these missions, despite the Herculean efforts of our military, are not getting this job done because of the raging civil war in that country. But providing a waiver to the President under the Levin amendment is tantamount, in my view, to re-authorizing the war. It doesn't hold the administration or the Iraqi Government accountable. It doesn't force a change in mission, and it doesn't begin to redeploy our forces. Instead it allows the administration to stay the course, full speed ahead, to use the words of Vice President RICHARD CHENEY. The Feingold-Reid-Dodd amendment provides the best means, in my view, for changing our mission in Iraq.

As much as I wish we were able to secure Iraq ourselves, that the surge would work, or that our military presence in Iraq would bring about the compromises necessary, I think the evidence is clear it is not happening, and it will not happen. The American people know this, our troops who have served and sacrificed in Iraq know it, and I believe the Iraqi people know it as well. Only when Iraqis themselves decide they will no longer tolerate violence and destruction, only when their leaders come together will this violence be reduced. That is what needs to happen across that plagued country. The United States should help where it

can, by training and equipping reliable and accountable Iraqi security forces that will serve the greater Iraqi nation, not their own tribe or their own sect.

According to a recent CBS poll, 70 percent of Shiites and nearly all of the Sunnis think the presence of U.S. forces in Iraq is making security worse. The vast majority of Iraqis, regardless of their sect, believe American troop presence in Iraq is making Iraq less safe.

Madam President, 78 percent of Iraqis oppose the presence of U.S. forces on their soil, and 51 percent of Iraqis support attacks on coalition forces. Slightly more than half of the population we are trying to protect approve of the attacks on U.S. soldiers. That is just not acceptable.

But it is not just the Iraqi public who want American forces out of their nation. The Iraqi Government does as well. A majority of the Iraqi Parliament recently signed a petition for a timetable governing a withdrawal of American forces, and in a recent high-level meeting, Iraq and its neighbors signed what they called the Marmara Declaration, reaffirming this sentiment. They declared in this declaration that "a timetable should be established for the Government of Iraq to take full authority and responsibility, including for security throughout the country."

The declaration went on to say:

The United States should commit to a comprehensive strategy for responsible withdrawal, consistent with Iraq's security and stability based on milestones and a general time horizon.

It also says:

Iraq's Armed Forces need to be nationally representative, Iraq's police should be credible to its citizens, and representative to the communities they serve.

The Feingold-Reid-Dodd amendment does just that. It does what the Iraqi people and the American people want, and it does it in a responsible way. This legislation mandates that the redeployment of U.S. forces should begin, as I mentioned, within a 120-day period and be completed within a year. Simultaneous to this redeployment, the legislation calls for continued counterterrorism operations, and the training and equipping of reliable and accountable Iraqi security forces to take over the responsibility of safeguarding the Iraqi population.

It is up to us to change the President's failed course in Iraq and to hold our President and the Iraqi Government accountable. It is up to us to mandate a change in direction, to begin to responsibly bring our troops home, to continue to help the Iraqis battle terrorists, and to train and equip reliable Iraqi security forces, so Iraqis can police their own country and decide their own future.

We cannot afford another day of escalation, \$2 billion a week, \$8 billion a month, lives lost, lives completely ruined in many cases. But also what is happening in Iraq itself, with the displacement of the Iraqi people, the 60,000

who have lost their lives—the situation is not improving. A true change in direction is needed. The price our Nation is paying, the price our men and women in uniform are paying, is too high for a failed policy, a policy that has not succeeded because it cannot succeed.

I urge my colleagues at an appropriate time when Senator FEINGOLD will offer his amendment to support this amendment. None of us can guarantee it is going to produce the desired result of convincing the Iraqi people what they should have been doing all along, instead of proposing a 2-month vacation, but rather sitting down and trying to come up with the political reconciliation for their country.

Our hope is by beginning a clear redeployment and setting a termination date—this must or this may convince the Iraqi people and their leaders that they should come to terms with their own political future. For those reasons I urge the adoption of the Feingold amendment.

I urge, as well, consideration of what Senator HAGEL has suggested: talking about moving beyond the military issue, to utilize the tools available to us, the political, economic, diplomatic tools that are the means by which we should try to achieve reconciliation. But a continuation of our military presence under its present structure is not working. It should come to an end. This is the best effort to achieve that goal.

Again, I urge the adoption of the Feingold amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I think the Senator from Massachusetts has a unanimous consent request. I ask he be recognized for that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I ask unanimous consent that there be 2 hours of debate. I don't think this is correct, the way I have been given it. I think we had a unanimous request that we have 2 hours of debate, initially equally divided, with 10 minutes to begin—the Senator from Oklahoma will speak in response to the Senator from Connecticut on Iraq. That will count against the time for the debate on my amendment. Then after those first 2 hours, we would again equally divide—

Mr. INHOFE. Reserving the right to object, it is my understanding we started out at 45 and 45. We are down now to 2 hours where you are increased from 45 minutes to an hour. That would be equally divided. I probably will yield back some of my time.

Mr. KERRY. Madam President, I may also. But this is an important subject, and I do not want to get squeezed on the time.

I had originally requested 1 hour, initially, and then 15 minutes at the back end, a half hour equally divided. I would like to stay with that.

What we are really talking about is the difference of 15 minutes, which I may or may not use. But I say to my friend from Oklahoma, I think it is not asking too much of the Senate to have that protection of the extra 15 minutes. If we don't use it, we can both—

Mr. INHOFE. Let me ask for clarification. What you are saying is, instead of 2 hours equally divided, it would be 2½ hours equally divided? I have no objection, with the understanding that I can count against my time and talk for up to 10 minutes on the subject of Iraq.

Mr. KERRY. I have no objection to that. I propound that request: 2 hours of debate initially equally divided and a subsequent half hour equally divided, and with the first 10 minutes to be taken by the Senator counted against him to speak on Iraq. Then I add, if I may, that no second-degree amendment be in order prior to the vote and, upon the use or yielding back of time but not before 5:35 p.m., the Senate would then proceed to vote in relation to the amendment; that the amendment by agreement must receive 60 affirmative votes to be agreed to; if it does not it would be withdrawn without further intervening action or debate.

The PRESIDING OFFICER. Is there objection? No objection.

Mr. KERRY. I thank the Chair.

Mr. INHOFE. Madam President, first, I thank the Senator from Massachusetts for working out this unanimous consent agreement. These things are sometimes complicated. I know he has just as strong beliefs about his amendment as I do in opposition. I think this will accommodate it. Let me go ahead, if I might, and take a few minutes.

It would be disrespectful for me to walk in here and ask the last two Senators who were talking what they have been smoking recently. I do not understand how someone can say they came back a few weeks ago from Iraq and then have a report like this. It is just incredible.

I have to say, I know I have been in the Iraqi AOR more than any other Member of the House, any other Member of the Senate, anybody else. I take this very seriously. I am on the Senate Armed Services Committee. I spend time studying this issue, the most critical issue facing Americans today, and that is this war on terrorism. It is one that we are winning and we can win.

I have to tell you, I spent this last weekend with—it was my 14th trip there. I was there. I was walking around, rolling around in the sand in Anbar Province. I was shocked at what I saw. Maybe someone, giving them the benefit of the doubt, if they have been there and it has been a few weeks—maybe this really hasn't worked. But let's keep in mind the surge policy came in in February. So we need to look and see what it is that has happened since February that is working.

I have to say this also: General Petraeus is the guy in charge. Here we

are sitting down talking about micro-managing a war with 435 Members of the House and 100 Members of the Senate, when we have a President who is doing the job that the Constitution tells him to do. Yet we are trying to interfere with that process.

Going back to some of the previous trips, I watched as time went by over the last 5 years, each time I go back, a greater level of cooperation that we are finding from the Iraqis. This last time—I think I have to give credit to some of the people who are talking about—the cut-and-run crowd. The surrender crowd, has got the Iraqi's attention. I see that they are, in fact, becoming a lot more aggressive in what they are doing right now. But I am going to share with you—this is new stuff, this just happened 2 days ago. This isn't something that might have happened 5 years ago or longer than that.

I remember a couple of weeks ago when General Petraeus came to Congress. He gave a report. It was a classified briefing on the fourth floor and then he had some news conferences. He gave some positive comments. I carry those around with me.

He said:

Anbar has gone from being assessed as being lost to a situation that is now quite heartening.

He said:

We have, in Ramadi, reclaimed that city.

He said:

We are ahead with respect to reduction of sectarian violence and murders in Baghdad by about a third, about 33 percent.

These are the things that were happening at that time. I thought, you know, a lot of the people who really just do not think we need a military to start with and aren't concerned about what is happening to us over there might say General Petraeus was overly optimistic; he was not being conservative; and he is telling us things that flat aren't true. So I thought I would go over and find out.

I went over. I was there this weekend. I spent most of my time, not in Baghdad, not in places where people go, but in Anbar Province. I spent my time in Taqaddum—an area nobody else goes to, to my knowledge, nobody has been to—and Ramadi and Fallujah. That is what we are talking about when we talk about Anbar Province.

The reason that is important is that is where most of the violence has taken place. That is where we have watched, as time went by—where we lost the most lives. We remember so well hearing the stories about our marines in Fallujah going door to door, very similar to what was happening in World War II. And that is a fact, they were.

And that is a fact. They were. But then along came the surge and along came General Petraeus. I have to tell you, General Petraeus was being very conservative when he was here 10 days ago or 2 weeks ago, whatever it was.

I am going to tell you exactly what is happening there now. And these people

who are the prophets of doom, I hope they are listening.

First of all, let's just take Ramadi. That is the area which was supposed to be the toughest area. You might remember a year ago al-Qaida controlled that city. They held a parade a year ago, and they declared—after that parade, they said now Ramadi is their capital, the capital of terrorism, the capital of al-Qaida.

Well, that is what happened a year ago. A year ago, we had a total of 2,000 Iraqi security forces. You know the whole idea here is to get Iraqi security forces trained, equipped, and let them take care of their own problems and their own terrorism that is coming in. Keep in mind that these terrorists are not after Americans; they are after Iraqis. They do not want freedom in that country. Back then, at that time, when they bragged, when al-Qaida bragged that Ramadi was their capital, we only had 2,000 Iraqi security forces. That is all. Do you know how many we have now? We have 12,200 trained and equipped Iraqi security forces in Ramadi.

Things are happening there. They had 1,200 people volunteer from Ramadi for the Iraqi security forces, more than they could train and handle—in 1 day, 1 day. Well, they have things that are going on, showing them support for the Iraqi people.

We all know that in our own hometowns, we have this thing called Neighborhood Watch Programs where we are going to try to stop crime. They have one there too; it is called the neighborhood security watch. This is where civilians—not military, not armed—these people put on little orange jackets and go out, and they try to find where IEDs are hidden, where explosive devices are hidden. They have spray paint, orange spray paint, and they will put a circle around where they are. Then our troops will go in there and detonate them, and then everyone is fine. Before that, we were losing American lives by walking into these situations. That is not happening now. This is because of the neighborhoods. These are the Iraqi people.

The troops have reclaimed Ramadi, very clearly. If you just look at Ramadi—one city—since February, overall attacks are down 74 percent. That is since February. That is when the surge was announced. The IED attacks are down 81 percent—not 10 percent, not 15 percent, 81 percent. It is a huge success story.

In Fallujah, you know, I can remember going to Fallujah years ago—Madam President, I ask unanimous consent that if I go over my 10 minutes, I have a few extra minutes and it will be deducted from my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, in Fallujah right now, one Iraqi brigade owns the battlespace. This is the term which we use in the Armed Services Committee, "owns the battlespace." It

means they are providing their own security. Now, this was not true a few years ago when I first went there. No one could get anywhere near anything in town. You would not take the risk of going in.

I was there during both of the elections, and I saw the Iraqi security forces go to vote the day before the public would vote. When they did this, they found themselves in a situation that was very dangerous. They voted the day before so they could provide the security for the populous of Fallujah. Well, several of them were killed, as you recall. But I talked to them each night after they went to vote, and they were overjoyed in doing it. They said: The day is coming when we are going to be able to take care of the security in Fallujah.

All right, that was 4 years ago and 3 years ago and 5 years ago on different trips I made there. This weekend, just 2 days ago, we have now officially turned over the security of Fallujah to the Iraqis. They are providing the security.

If you look in the whole province of Anbar, you see another thing that is happening. A lot of people think—we hear a lot from the Prime Minister, Maliki; we hear about the Minister of Defense, Jasim; we heard about Dr. Rubaie—all of these people who were appointed or elected to be the leadership of Iraq. They are not the ones who are really making the decisions as far as the people are concerned. It is a different culture. It is the clerics and the imams in the mosques.

Now, we measure what goes on in the mosques. It is just like we would hear a sermon in the United States in a church—we go there and find out what they are talking about. Prior to February, 80 percent of the mosques had messages that were delivered by the clerics there or the imams there that were anti-American, getting everyone stirred up every Saturday or whenever they get together. In April, it was zero. There wasn't one mosque, of the hundreds of mosques, that had an anti-American message. For that reason, you have all of the populous coming in and saying: We want in on this thing. We are going to actually get something done here. We are tired.

They are the ones who have been the targets for the terrorists. They know that. Certainly the clerics know that. That is why we are getting this surge of cooperation.

In March of 2006, there were only 4,000 what they call Iraqi security forces. Today, there are 27,500 trained and equipped Iraqi security forces. The Sunni tribal coalition is fighting al-Qaida. That is something new. That wasn't happening 3 weeks ago. It certainly was not happening in February.

I did stop in Baghdad. I spent most of the time in Anbar Province. But in Baghdad, I was heartened to see something new—and I did not know how it worked—is being put in place. It is called a joint security station. Now, in

Baghdad, there are 27 of them. So the night before last, late at night, I went out there and I saw how they worked. Instead of our troops going out on raids during the day and then coming back to the Green Zone where they will be safe, our troops are now staying out there in those areas in these joint security stations. They are there with the Iraqis. They are sleeping there with them, they are eating with them, and they are developing close relationships. That is the key to this thing. This all came from General Petraeus, that we have relationships in these areas. If you talk to our troops—you don't talk to the guys on the Senate floor here; talk to the troops, find people who are coming back. You ask them what their relationship is now with the Iraqi security forces.

I have to say this also—even though we heard this before, we did verify it is actually more than this—the sectarian murders in Baghdad are down by 30 percent. Now, that is not quite as good as it is in Anbar Province. One of the reasons is Anbar Province is where all of the problems were, and we are concentrating more and the Iraqis are concentrating more there. I went to the marketplace there. I did not have any helicopters over the top. I went through, I took an interpreter, I stopped and talked to people on the street, and they are so appreciative of what we are doing there, and it is no wonder that they are.

I just have to say that these relationships have formed. The term they are using is the "brotherhood of the close fight." I give General Petraeus credit for engineering a lot of these things.

Lastly, I would say—you may not believe me because you know I have a strong feeling about defending America, and you might say I am prejudiced. Yes, I was on the House Armed Services Committee for years and then on the Senate Armed Services Committee for the last 12 years, and so I watch and see what is happening. I recognize we need to rebuild America's military now to be able to meet future challenges like this.

I would only say this: Everything that I have now said, if you don't believe it—and I thought I would never recommend to my conservative friends that they ever watch CNN, but I am going ask them to go ahead and watch CNN this time, and there is someone named Nick Robertson who asked to go along to some of these stations I went to two nights ago, the joint security stations. They are giving a report, and you will be shocked to find out that even CNN, which has been no friend of our President and no friend of our efforts in Iraq, is now coming out with reports that are saying exactly what I am saying right here.

So have your good time. Stand up and take your bows and criticize the President and criticize the effort in Iraq and criticize our soldiers. Let me tell you, they are doing a good job, we are winning there, and this information I share with you is just 1 day old.

With that, I yield the floor.

Let me ask how much time I used off of my amendment time.

The PRESIDING OFFICER. The Senator has used 13½ minutes.

The Senator from Massachusetts is recognized.

AMENDMENT NO. 1094 TO AMENDMENT NO. 1065

Mr. KERRY. Madam President, I thank the Republican manager, the Senator from Oklahoma.

I call up amendment No. 1094.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], Mr. FEINGOLD, Ms. COLLINS, Mr. SANDERS, Mr. CARPER, Mr. REED, Mr. BIDEN, Mr. WHITEHOUSE, and Ms. CANTWELL proposes an amendment numbered 1094 to amendment No. 1065.

Mr. KERRY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the consideration of certain factors relating to global climate change)

At the appropriate place in title II, insert the following:

SEC. 2. GLOBAL CLIMATE CHANGE.

(a) PLANNING CONSIDERATIONS.—To account for the potential long- and short-term effects of global climate change, the Secretary shall ensure that each feasibility study or general reevaluation report prepared by the Corps of Engineers—

(1) takes into consideration, and accounts for, the impacts of global climate change on flood, storm, and drought risks in the United States;

(2) takes into consideration, and accounts for, potential future impacts of global climate change-related weather events, such as increased hurricane activity, intensity, storm surge, sea level rise, and associated flooding;

(3) uses the best-available climate science in assessing flood and storm risks;

(4) employs, to the maximum extent practicable, nonstructural approaches and design modifications to avoid or prevent impacts to streams, wetlands, and floodplains that provide natural flood and storm buffers, improve water quality, serve as recharge areas for aquifers, reduce floods and erosion, and provide valuable plant, fish, and wildlife habitat;

(5) in projecting the benefits and costs of any water resources project that requires a benefit-cost analysis, quantifies and, to the maximum extent practicable, accounts for—

(A) the costs associated with damage or loss to wetlands, floodplains, and other natural systems (including the habitat, water quality, flood protection, and recreational values associated with the systems); and

(B) the benefits associated with protection of those systems; and

(6) takes into consideration, as applicable, the impacts of global climate change on emergency preparedness projects for ports.

(b) ADDITIONAL CONSIDERATIONS FOR FLOOD DAMAGE REDUCTION PROJECTS.—For purposes of planning and implementing flood damage reduction projects in accordance with this section and section 73 of the Water Resources Development Act of 1974 (33 U.S.C. 701b–11), the term “nonstructural approaches and design modifications” includes measures to manage flooding through—

(1) wetland, stream, and river restoration;

(2) avoiding development or increased development in frequently-flooded areas;

(3) adopting flood-tolerant land uses in frequently-flooded areas; or

(4) acquiring from willing sellers floodplain land for use for—

(A) flood protection uses;

(B) recreational uses;

(C) fish and wildlife uses; or

(D) other public benefits.

Mr. KERRY. Madam President, I ask unanimous consent that this be considered as an amendment to the Boxer substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Madam President, this amendment is a bipartisan amendment introduced with Senator COLLINS, Senator FEINGOLD, Senator CARPER, Senator REED of Rhode Island, Senator BIDEN, Senator WHITEHOUSE, and Senator CANTWELL.

This is an amendment regarding the impact of global climate change and the need for the Congress, as we consider spending money and requiring the Corps of Engineers to undertake certain projects across the country—it just seems logical as a matter of protecting the taxpayers' dollars as well as thinking about the future that we ask the Corps to include in their analysis of these projects judgments about the potential impact or the real impact of global climate change on that particular project.

Now, I am going to speak more about the common sense of doing that, why it is important, but I will just say very quickly, if you look at New Orleans where we had a breach of the levees as a consequence of the hurricanes and the rise of the seas, it is clear that much of the infrastructure of America is designed without reference at all to what is now happening to climates, to water bodies, to the various challenges we face with respect to global climate change. So you need to sort of lay out the parameters within which we ought to be making a judgment about this particular issue. That begins by sort of setting forth the facts. We ought to deal with facts with respect to the situation on global climate change.

This will be the first time Senators in the 110th Congress have been asked to vote on the floor in some way with respect to this issue of climate change. But it is an important opportunity for Senators to stand up and be counted with respect to this issue.

All this amendment seeks to do, as a matter of common sense, is to ask the Army Corps of Engineers to factor climate change into their future plans. By doing that, we are taking a small corrective measure to a process that is currently flawed because it does not do that. Secondly, we are making a statement here in the Senate about the need to finally, once and for all, recognize the reality of what is happening with respect to climate change.

The guiding principle behind this amendment is obvious: It is that climate change is real and it must be

factored into our public policy in almost everything we do. If we are going to build buildings, those buildings have to be designed to a whole new set of specifications in terms of carbon emissions, in terms of energy use, because all downstream energy use will have an impact on how much coal and how much oil, alternative fuels, and other resources we need to consume.

The fact is that other countries are moving much more rapidly than we are as a Federal Government. In fact, the States in the United States and cities in the United States are already moving with greater authority and determination than the Federal Government. So this is a chance finally for Senators to put themselves on record.

Now, you can disagree on what—for instance, former Speaker Newt Gingrich and I held a debate a couple of weeks ago in which the former Speaker changed his position and agreed that climate change is taking place and that human beings are having an impact on that climate change. He agreed that we need to act, and urgently. Where we differed is in what actions to take, how those actions might be implemented, but there was no disagreement about the need to factor this into the policies in our country.

As we contemplate these steps we need to take, we really need to understand that everything we do here is to inform our decisions as we go down the road. That is really the message this amendment ought to send, that when it comes to public policy, we understand the warnings of our scientists, the warnings of the Intergovernmental Panel on Climate Change, and we are going to respond effectively at the national level.

The fact is, for too long this has been the subject of paid-for studies by industries that wanted to resist, but we know that in America, many of those industries have changed.

USCAP is a partnership of some of the major corporations in America that have come together responsibly to take action with respect to climate change. Companies such as General Electric and Florida Power & Light, American Electric Power, DuPont, Wal-Mart, many others are now responding to the needs of this issue. It would be stunning indeed if the Senate somehow stood apart from what the private sector and these States and local communities are now engaged in.

Let me summarize quickly some of the findings of the IPCC, the Intergovernmental Panel on Climate Change. The most recent report was written by about 600 scientists. It was reviewed by 600 experts. It was edited by officials from 154 governments. So you have Prime Ministers, Foreign Ministers, Economic Ministers, Trade Ministers, Environment Ministers, Presidents of countries all across the globe, who are engaged in moving forward. Only the United States has remained significantly on the sidelines.

The basic facts are these: At both poles and in nearly all points in between, the temperature of the Earth's surface is heating up. It is heating up at a frightening and potentially catastrophic rate. The temperature we know has already increased about .8 degrees centigrade, 1.4 or so degrees Fahrenheit, and the warnings of the scientists I alluded to are that because of the carbon dioxide already in the atmosphere, about which we have the ability to do nothing, there will be an additional warming as a consequence of the damage that that does. So we are locked in, whether we like it, to a warming of somewhere between 1.4 and 1.6 degrees centigrade. These same scientists have reported to us through some 928 or so peer-reviewed studies. A lot of people are not sure what a peer-reviewed study is. After scientists have done their study and they have put it out to the public, that study is reviewed anonymously by another group of scientists with similar backgrounds and discipline. They then anonymously make an analysis of the methodology of those studies and of the conclusions that were drawn. What is interesting is that all 928 studies have determined that human beings, through our greenhouse gas emissions, are causing some of the increase of this temperature, and they have concluded similarly that there is a tipping point—nobody can predict precisely where it is—at which we get a catastrophic series of consequences which will then be too late to change.

Scientists are inherently conservative people. They are people who make judgments based on facts, as they discern them, through their analysis, research, and experiments. They don't make wild pronouncements that can't be substantiated. Where there is doubt, they have expressed doubt every step of the way. Where something is not conclusive, they have said it is not conclusive.

But now in this most recent report, they have reported to the world that there is a 90-percent likelihood that emissions of heat-trapping gases from human activities have caused "most of the observed increase in global average temperature since the mid 20th century. Evidence that human activities are the major cause of recent climate change is even stronger than in prior assessments."

In addition, they have said that the warming is unequivocal. The report concludes that it is "unequivocal that earth's climate is warming as it is now evident from the observations of increases in global averages of air and ocean temperatures, widespread melting of snows and ice, and rising global mean sea level."

The report also confirms that the current atmospheric concentration of carbon dioxide and methane, two important heat-trapping gases, "exceeds by far the natural range over the last 650,000 years." Since the dawn of the industrial era, concentrations of both

gases have increased at a rate that is "very likely to have been unprecedented in more than 10,000 years."

These are some of the facts. I will relate more, if necessary, later. The bottom-line point to be made is, the opponents, those who say that it isn't happening, those who say that somehow we can't be certain that this is a contributing activity, have yet to produce one peer review study—not one—that conclusively shows why what is happening is happening and what is causing it, if it isn't the human activity that has been alluded to by these 154 countries and thousands of scientists. They certainly have an obligation to do that.

Here is what is most alarming. I have been listening to and working with these same scientists since then—Senator Al Gore and I and a few others held the first hearings on global climate change in the Senate in 1987. In 1990, we went to Rio to take part in the Earth summit which George Herbert Walker Bush participated in as then President of the United States and signed a voluntary agreement to deal with the framework for global climate change. In the 17 years since we attended that conference, I have attended other conferences in Buenos Aires, in The Hague, and in Kyoto. I have watched while we have learned more and more with greater certainty about the impact of this science. Throughout that journey of 17 years, I have never heard the scientists as alarmed as they are today. The reason they are alarmed today is that what they have predicted for those 17 years is happening at a faster rate and in a greater quantity than they had predicted.

What is our responsibility as public people? If the scientists, 928 studies strong, are saying to us, Senators, Presidents, Congressmen, here is what is happening, and they say it with conclusive evidence of exactly what is contributing to it, I believe we, as public people, have a responsibility to listen on behalf of the citizens. It is prudent to think about those things that we can do and ought to do in order to respond to this evidence.

Here is what those scientists tell us. Jim Hansen is the leading climatologist of our country at NASA. He started warning about this in 1988. Since 1988, those warnings have become more urgent. He now says we have a 10-year window within which to get this right. If we want to avoid the potential of a tipping point, we have 10 years to act. We also know the scientists have revised their own estimates of what the tolerable range is with respect to global warming. A year and a half, 2 years ago, they were telling us we could tolerate 550 parts per million of greenhouse gases in the atmosphere and that translated to a 3 degrees centigrade warming that could be allowed before you reached this catastrophic potential tipping point. They have changed that now. Those same scientists have now revised their estimate based on the evi-

dence they are getting as a consequence of what is already happening all over the planet. All over the planet you can see the sea drying up. You can see the southern portion of the Sahara Desert getting dryer. You can see ocean currents shifting, species migrating. In South Carolina, they wouldn't have any duck hunting today if they didn't have farmed ducks because the patterns have changed. The same thing in Arkansas, where it has significantly altered. Hunters across the Nation are noticing changes in the migratory patterns of the prey they used to hunt. We are seeing 20 percent of the ice sheet in the Arctic has already melted and predictions are the entire ice sheet will disappear within the next 30 years. The Greenland ice sheet, go up there and visit, see the torrents of water rushing through the ice itself. The danger of that is, this is on rock. This is not floating on sea ice, where the displacement is already recognized in the ocean because it is floating in the ocean. This is ice on rock. As it melts, if it melts rapidly, it does spill into the ocean and it alters the levels.

In addition, the warming of the ocean itself alters the levels. The warming expands the water, and as the water expands, the sea level rises and we are already seeing a measured level of increase of sea level according to all of our scientists. They don't doubt that. That is a stated fact. Sea level is rising.

Are we going to have the Corps of Engineers go out and build a project that has to do with rising sea level and not take into account how much it may rise, over what period of time it may rise? What the consequences might be of a storm that is more intense, coupled with an increase of sea level? It is common sense that we ought to be taking those kinds of things into account.

The scientists now tell us we can tolerate not 550 parts per million but 450 parts per million, and we can tolerate not 3 degrees centigrade increase but a 2 degrees centigrade increase. Why is that important? That is important because we can trace from before the industrial revolution the levels of carbon dioxide and temperatures of the Earth. Preindustrial revolution, the levels of greenhouse gases were at about 270 parts per million. It was about 500 or so billion tons of carbon dioxide in the atmosphere. It is measured by taking ice cores which we drill. You bore into the ice. You can go back tens of thousands of years, bore the ice and measure the levels of carbon dioxide, which also gives you an indicator of the temperature of the Earth. We see a complete parallel between the rise of the Earth's temperature, the rise of carbon dioxide and the industrial revolution itself over those 100 years.

We have now changed the level of greenhouse gases from 270 parts per million to 380 parts per million. That is what we are living with today. So if we are living with 380 parts per million

today and over 100 years plus we saw it go from 270 to 380, we only have a cushion of up to 450. If we have already increased the Earth's temperature .8 degrees and it is going to go up automatically another .8 degrees, that is 1.6, we only have a cushion of .4 to .5 degrees before we get to a tipping point.

I can't tell you with 100 percent certainty that is what is going to happen. But the scientists, the best we have in this country, have told us it is a 90-percent likelihood this is happening as a consequence of the things we are doing.

If you went to the airport today and got on an airplane and the pilot got on and said: Folks, we are about to leave and there is a 10-percent chance we are going to get where we are going, are you going to stay on the plane? This is a 90-percent certainty what scientists are telling us.

We went to war in Iraq on a 1-percent doctrine. As Vice President CHENEY said, if there is a 1-percent chance that harm could be done to our Nation, then we have to be willing to go to war and take the steps. Well, here you have a 90-percent chance that harm could be done to our Nation, and we are doing next to nothing at the Federal level. That is the cushion.

So when the scientists say to us we need to have a response, when the CEO of DuPont, the CEO of Wal-Mart, the CEO of 3M, the CEO of General Electric, and a host of other companies across our country are already taking steps because they recognize this has to happen, and we have to respond, we ought to be listening and responding ourselves.

Let me comment that, obviously, in California we already see a State taking action. California passed a landmark bill that establishes a first-in-the-world comprehensive program of regulatory and market mechanisms to achieve a reduction in greenhouse gases.

The mayor of New York is working on a congestion pricing scheme to lower emissions and pollution. Today, as we stand in the Senate, he is hosting a meeting of the mayors of the world's largest cities, from Copenhagen to Calcutta, on how to achieve the same ends.

Recently, my home State of Massachusetts, under the leadership of Governor Deval Patrick, has rejoined the Regional Greenhouse Gas Initiative. Now you have eight States that have come together specifically to try to reduce global warming pollution from powerplants. Across the Nation, 500 mayors from 50 States have signed on to the U.S. Mayors Climate Protection Agreement, which is an initiative to advance the goals of the Kyoto Protocol. Even President Bush finally saw fit to mention in his State of the Union Address "the serious challenge of global climate change."

We know specifically that climate change will challenge the way we manage water resources in the United States. It threatens our coastal com-

munities and habitats with rising sea levels, more intense storms, storm surges, and flooding, especially along the gulf and Atlantic coasts. In many places, climate change is going to put added pressure on our water resources, increasing competition among agricultural, municipal, industrial, and ecological uses.

That is why this bill is an appropriate place for us to have an amendment that merely asks for the Corps of Engineers—which is federally chartered, and we spend Federal dollars on—to make certain what they choose to do is thoughtful about what the impacts may be that are predictable or ascertainable.

We know, obviously, what it looks like when we do not prepare for emergencies. We had it seared into our memories with the horrifying images of Hurricane Katrina. We saw the anguish of everybody who lived there and people across America.

The fact is, we are especially vulnerable to changes of weather and climate extremes because of severe storms, hurricanes, floods, and droughts. Now we need to begin planning for those emergencies that global climate change is likely to produce.

Over the last 100 years, we have seen an increase in heavy precipitation that has strained the infrastructure we have in place to deal with flooding. All across America, combined sewer overflows wind up putting raw sewage out into our rivers and lakes, which wind up poisoning and polluting those water bodies.

Thirty-nine percent of the rivers in the United States of America are contaminated. Forty-five percent of the lakes in the United States are contaminated. Forty-nine percent of the estuaries in America are contaminated.

In 19 States in our country parents and children are warned: Don't eat the fish because of the levels of toxins, chemicals that are in the water—19 States. In 44 States there are warnings about specific locations where you are not allowed to eat the fish.

So these are the kinds of consequences we see up and down the line. The number of days each year now with more than 2 inches of precipitation has risen by 20 percent. If we know the precipitation levels have risen by 20 percent in the last 100 years, doesn't it make sense, as we conjure up levees or other projects to prevent flooding, to understand what the likelihood is of the size of that flooding, the extent of it, and the intensity, as it grows?

The Southwestern United States is in the midst of a drought that is projected to continue well into the 21st century and may cause the area to transition to a more arid climate.

The Corps of Engineers stands on the front lines of all of these threats to our water resources. They are our first responders in the fight against global warming. Hurricane and flood protection for New Orleans, levees along the Mississippi and Missouri Rivers, levees

in Sacramento, CA, and port projects up and down our coasts, east and west—these are just a few of the sites that are in danger. All of these Corps projects and many hundreds more will feel the strain, impact, and consequences of global climate change.

We also recognized, in the wake of Hurricane Katrina, the inadequacy of some of the projects in New Orleans that simply did not stand up. Just the other day, in the New York Times—Madam President, I ask unanimous consent that the article of May 7, entitled "Critic of Corps of Engineers Says Levee Repairs for New Orleans Show Signs of Flaws" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 7, 2007]

CRITIC OF CORPS OF ENGINEERS SAYS LEVEE REPAIRS FOR NEW ORLEANS SHOW SIGNS OF FLAWS

(By John Schwartz)

Some of the most celebrated levee repairs by the Army Corps of Engineers after Hurricane Katrina are already showing signs of serious flaws, a leading critic of the corps says.

The critic, Robert G. Bea, a professor of engineering at the University of California, Berkeley, said he encountered several areas of concern on a tour in March.

The most troubling, Dr. Bea said, was erosion on a levee by the Mississippi River Gulf Outlet, a navigation canal that helped channel water into New Orleans during the storm.

Breaches in that 13-mile levee devastated communities in St. Bernard Parish, just east of New Orleans, and the rapid reconstruction of the barrier was hailed as one of the corps' most significant rebuilding achievements in the months after the storm.

But Dr. Bea, an author of a blistering 2006 report on the levee failures paid for by the National Science Foundation, said erosion furrows, or rills, suggest that "the risks are still high." Heavy storms, he said, may cause "tear-on-the-dotted-line levees."

Dr. Bea examined the hurricane protection system at the request of National Geographic magazine, which is publishing photographs of the levee and an article on his concerns about the levee and other spots on its Web site at ngm.com/levees.

Corps officials argue that Dr. Bea is overstating the risk and say that they will reinspect elements of the levee system he has identified and fix problems they find. The disagreement underscores the difficulty of evaluating risk in hurricane protection here, where even dirt is a contentious issue. And discussing safety in a region still struggling with a 2005 disaster requires delicacy.

Hurricane season begins again next month.

The most revealing of the photographs, taken from a helicopter, looks out from the levee across the navigation canal and a skinny strip of land to the expanses of Lake Borgne. From the grassy crown of the levee, small, wormy patterns of rills carved by rain make their way down the landward side, widening at the base into broad fissures that extend beyond the border of the grass.

Dr. Bea, who was recently appointed to an expert committee for plaintiffs' lawyers in federal suits against the government and private contractors over Hurricane Katrina losses, said that he could not be certain the situation was dangerous without further inspection and that he wanted to avoid what he called "cry wolf syndrome." But, he

added, he does not want to ignore "potentially important early warning signs."

He praised the corps for much of the work it had done since the storm, but he added that the levee should be armored with rock or concrete against overtopping, a move the corps has rejected in the short term.

Another expert who has viewed the photographs, J. David Rogers, called the images "troubling." Dr. Rogers, who holds the Karl F. Hasselmann chair in geological engineering at the University of Missouri-Rolla, said it would take more work, including an analysis of the levee soils, to determine whether there was a possibility of catastrophic failure.

But he said his first thought upon viewing the images was, "That won't survive another Katrina." Dr. Rogers worked on the 2006 report on levee failures with Dr. Bea.

John M. Barry, a member of the Southeast Louisiana Flood Protection Authority-East who has also seen the photographs, also expressed worry. "If Bea and Rogers are concerned, then I'm concerned," he said.

Mr. Barry, the author of "Rising Tide: The Great Mississippi Flood of 1927 and How It Changed America," said it was important to seek balance when discussing the levees in the passionately charged environment of New Orleans since the storm.

"I don't want anybody to have any false confidence" in the system, he said. "On the other hand, if things are improving, people need to know that, too. And things have been improving."

After being informed of the safety questions, Senator Mary L. Landrieu, Democrat of Louisiana, prepared a letter to send today to the corps commander, Lt. Gen. Carl A. Strock, asking whether the work by the corps was sufficient to protect the levee system.

At the corps, Richard J. Varuso, the assistant chief of the geotechnical branch of the district's engineering division, said that some erosion could be expected after a levee was constructed. "If it rains, we get some rutting," Mr. Varuso said, adding that as vegetation grows in, the levee "heals itself."

Walter O. Baummy Jr., the chief of the engineering division for the New Orleans district of the corps, said the new levees were made with dense, clay-rich soil that would resist erosion. Although the stretches of the St. Bernard levee that were still standing after the storm are composed of more porous soils dredged from the nearby canal, Mr. Baummy said a reinforcing clay layer on top some 10 feet thick would keep the fissures from reaching the weaker soils.

Still, he said that "we will take a look at this" and that the corps would make repairs where necessary.

Dr. Bea, who wrangled with the corps last year about construction standards on the same levee, countered that recent work in the Netherlands suggested that clay-capped levees with a porous core, which are common, were prone to failure in high water.

Another official who viewed the photographs, Robert A. Turner Jr., the executive director of the Lake Borgne basin levee district, east of New Orleans, said he was concerned, but not necessarily alarmed, about the rills toward the crown of the St. Bernard levee, calling them a common sight on new levees in the area.

Mr. Turner said he was more concerned by the images of larger ruts toward the base of the levee, and said of the corps, "We're just going to keep on them."

Mr. KERRY. There is evidence in some of those levees they are not going to be able to withstand the intensity of the storms we now project. The current guidelines for Corps project planning

were written in 1983, long before scientists were focusing on the existence as well as the threat and impacts of climate change. So I believe it is critical for the Corps to begin to account for that.

This amendment directs them to simply take climate change into account when conducting project feasibility studies or general evaluation reports. It ensures that Corps projects, particularly those that provide the first line of defense against climate impacts, are designed with global warming in mind.

This amendment is supported by dozens of groups that represent coastal communities and resources, from the National Wildlife Federation and American Rivers, to the Association of State Floodplain Managers, regional groups that represent coastal interests, including the Coalition to Restore Coastal Louisiana, and the Great Lakes States Coalition. They all strongly support this amendment. They support it because it protects our wetlands. They support it because it advances our policy response on a subject where the politics has often struggled to keep pace with the science.

On a weekly basis, we see mounting evidence and mounting alarm bells going off highlighting our need to act. This is our opportunity to do so for the first time.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, for clarification on the time, it is my understanding that we each started off with 30 minutes, and then we each get 15 minutes after that time has expired, and that I used 13 minutes of my time on my Iraq discussion.

Mr. KERRY. Madam President, it is my understanding we asked for 2½ hours equally divided.

Mr. INHOFE. OK. So it would be an hour and 15 minutes for each side.

Mr. KERRY. An hour and 15 minutes, but we may well wind up yielding much of that back.

Mr. INHOFE. OK. So in this period now, I would have an hour, less 13 minutes.

The PRESIDING OFFICER. Correct. The Senator would have 1 hour minus the approximately 13, 14 minutes the Senator has already used.

Mr. INHOFE. All right. That is fine. I do not think I will use all of this time right now. But in the event I get close to it, if the Chair would let me know when I have 3 minutes left, I would appreciate that.

I don't know where to start. I really don't. I don't have all my stuff I normally would have in talking about this subject right now because I did not know this was going to come up.

Certainly, everyone has a right to bring up amendments. This amendment is totally out of place for this bill. There is no justification for having it.

Let me make one comment about it. If the idea is—and apparently it is—this amendment is going to instruct

the Corps of Engineers to come out with a report as to how anthropogenic gases would be affected by each project that is constructed around the country, let me suggest we have a \$14 billion bill we are going to be voting on at about 5:30, 6 o'clock tonight. It is one that we desperately need. We have been debating this issue.

But I can assure you, if for some reason the Kerry amendment was adopted, it would kill the bill. There is no question about it. But it is not going to be adopted. It is a good forum to stand out here and talk about how everyone should be hysterical and should be worried.

It is interesting to me that the same people today who are saying the world is coming to an end, we are all going to die, just back in the middle 1970s were saying another ice age is coming and we are all going to die. Which way do you want it?

On this one, he is asserting, I guess, that somehow the climate is changing. Let me suggest, in 2006 the World Meteorological Organization issued statements refuting claims about a consensus that global warming is and will cause more frequent and intense storms, saying no such consensus exists. Even Al Gore has now backed away from claiming that global warming will cause more frequent storms.

I have a chart in the Chamber, a plot of the hurricanes going back to 1851. As you can see, this is constant. This has been going on for a long period of time. Now, if a surge of anthropogenic gases—this CO₂, methane, or whatever it is—were causing a warming period, then you would think right during the period around 1945 we would have a warming period because in the middle 1940s, after the Second World War, we had the greatest increase in greenhouse gases, with an increase of about 85 percent during that time.

But what happened? It did not precipitate a warming period. It precipitated a cooling period so bad that by the middle 1970s everyone thought we were going to die from another ice age coming.

Now, as far as this bill is concerned—I will probably repeat this in a little more detail in the final remarks, but I have to say this: We have \$14 billion of projects. These are Corps of Engineers projects that are desperately needed. We have not had a Water Resources Development Act reauthorization bill for 7 years. We finally have the opportunity to have it.

Now, if this amendment should be adopted, it would delay all these projects by at least a year because the Corps would have to go back and re-study all these projects. So I think we should keep that in mind in terms of how it affects the bill we have.

Now, the junior Senator from Massachusetts talked about this great coalition called the U.S. Climate Action Group. Well, I can tell you about this great coalition. I do not know how many there are. There are about maybe

seven or eight companies, corporations that have joined this saying: Yes, we want to have some kind of a cap and trade on CO₂. We want to do something, maybe have a tax on them because we are good citizens. We are concerned about the environment.

Well, we had a hearing about that, only to find out every last one of them that we could research would end up making not just millions but in some cases billions of dollars if something like Kyoto would go through. I will be specific. DuPont would make \$500 million a year in credits. DuPont, no wonder they are for it. If I were a member of the board of directors of DuPont, I would also do the same thing they are doing.

These are being paid for reductions in greenhouse gases as a result of things they have already done, so they do not have to do anything more. I am saying the \$500 million a year—this came from an internal study, so this is not someone making an accusation—is based on \$10 a ton. If it goes up to \$20 a ton, then it is going to be \$1 billion a year. So DuPont is for that. GE and BP, they are doing the solar panels and the wind tunnels. Well, sure, they would make a lot of money.

We can quantify all this. There is not time to go through all of that.

The other assertion that was made by the distinguished junior Senator from Massachusetts was that the sea level is going to come up. There are so many people who have watched the Gore movie, and a lot of the teachers have gotten into this, and it makes teaching real easy. There is one school in Maryland, and a parent came by to see me after we had our confrontation with Senator Gore about 3 weeks ago and said: Do you realize in my child's elementary class, his teacher makes them watch this movie once a month? They said the scary part is—for little kids who do not know any better, they think it is true, when it is not true. They said the scary part is the sea level rise.

This is what the Senator is saying: The sea level rises. I would suggest the IPCC, that is behind all of this—that is where it all started, like a lot of things in this country; it started with the United Nations—they came out in 2007, this year, and they have downgraded the sea level rise from 39 inches to 23 inches. They have cut it in half. They said further, in a report this year, the release of anthropogenic gases by livestock is greater than our entire transportation segment.

So we watch these things. Jim Hansen—I am going to talk a little about the scientists. I hear this thing, and the reason we are seeing so many people now in a panic is they realize the science has been changing on a regular basis for the last 3 years.

In fact, I have to tell you, when I became chairman of the Environment and Public Works Committee in January, 4 years ago, I assumed that man-made gases were causing climate

change. That is all you read in the media and all you heard about on radio and TV. I assumed it was right, until they showed us how much this would cost to the average American taxpayer. Then we said: Let's look at the science, only to find out that the science has been reversed.

Scientists always talk about Jim Hansen. I have been on several shows, and there is Jim Hansen. He has been more exposed on this than any other scientist.

I remind you that Jim Hansen was given a grant from the Heinz Foundation of \$250,000. I cannot say there is no relationship between that and his opinion. I think there is and I will tell you why. I am going to talk about scientists.

Let's start off in Canada, which was one of the early signers of the Kyoto Treaty. Canada was taking the advice of a famous group called the 60 scientists in Canada. These are the 60 scientists who, at that time, recommended to the then-Prime Minister of Canada that they sign onto and ratify the Kyoto Treaty. Well, since that time, the scientists—that same group of people—have reevaluated the science. I will read some of these things they come up with. The one I know by heart is the most revealing. It says:

Observational evidence does not support today's computer climate models, so there is little reason to trust model predictions of the future.

Significant scientific advances have been made since the Kyoto Protocol was created, many of which are taking us away from the concern about increasing greenhouse gases. Listen to this. These are the 60 scientists in Canada who were the ones responsible for advising the Prime Minister 15 years ago to sign the Kyoto Treaty. They say:

If back in the 1990s we knew what we know today about climate, Kyoto most certainly would not exist, because we would have concluded it wasn't necessary.

They are now petitioning Prime Minister Harper to change their position on climate change. We have scientist after scientist. This is a good one. I used this the other day. Of the three strongest supporters of the alarmists—I am talking about the environmental alarmists who want to scare people—representing countries in a formidable fashion, one was Claude Allegre, a French Socialist, a geophysicist, a member of both the French and American Academies of Science. He was one who marched in the aisles with Al Gore 10 or 15 years ago, saying global warming is happening and it is caused by human discharges. Now he is saying that it was wrong. He has completely gone over to the other side. He says that the cause of climate change is unknown. He has accused the proponents of manmade catastrophic global warming of being motivated by money. I will talk about that in a minute.

Let's go from France to Israel. Astrophysicist Nir Shaviv was one of those

real believers, an alarmist. He thought the world was coming to an end and that we are going to be warming up and that we have to do something about it. But he now points to growing peer-reviewed evidence that—the Senator from Massachusetts said there is no peer review evidence. Yes, there is. Shaviv refers to it here:

Peer reviewed evidence shows that the sun has actually been driving the temperature change.

That is a shocker. You don't have to be a scientist to know that the Sun can have something to do with climate change. He has now come to the other side and is a skeptic. That was Nir Shaviv from Israel, who was on the other side. They are all shifting.

David Bellamy from the United Kingdom was another environmental campaigner at one time. He recently converted into a skeptic after reviewing the new science. Keep in mind that he is a Brit. He now calls global warming theories "poppycock."

These are actually, I would say, a few months old. Let me tell you what is happening recently. This is all in the last few days and weeks, and this is why all these people who want to scare people with global warming are in such a panic. They see that the science is slipping away. Think about this fact: Many people think their ticket to the White House is to scare people with global warming. Talk to anybody running for President. Watch it on the debates tonight. If they can scare you good enough, you may vote for them because they say they are going to do something about this.

Here is a brandnew one. Dr. Chris de Freitas of the University of Auckland, New Zealand, said:

At first, I accepted that increases in human-caused additions of carbon dioxide and methane in the atmosphere would trigger changes in water vapor, et cetera, and lead to dangerous "global warming". But with time, and with the results of research, I have formed the view that although it makes for a good story, it is unlikely that manmade changes are drivers of significant climate variation.

He wrote that in August of 2006. He was one who was on the other side of this issue.

Here is another one. Dr. Jan Veizer, professor emeritus of the University of Ottawa, converted from being a believer to a skeptic after conducting scientific studies of climate history. He said:

I simply accepted the global warming theory as given.

He said that in April 2007. He said:

The final conversion [to a skeptic] came when I realized that the solar/cosmic ray connection gave far more consistent picture of climate, over many time scales, than it did the CO₂ scenario.

Here is another recent one. This is a paleo climatologist, Ian D. Clark, professor of the Department of Earth Sciences at the University of Ottawa, who said:

I used to agree with these dramatic warnings of climate disaster. However, a few

years ago, I decided to look more closely at the science and it astonished me. In fact, there is no evidence of humans being the cause. There is, however, overwhelming evidence of natural causes, such as changes in the output of the sun.

Here is another new one, Bruno Wiskel, from the University of Alberta. He once was a believer in manmade global warming. He set out to build a "Kyoto house" in his own yard in honor of the U.N.-sanctioned Kyoto Protocol. That is how much of a believer he was. This was said about him:

After further examining the science behind Kyoto, Wiskel reversed his scientific views completely and became such a strong skeptic that he wrote a book entitled "The Emperors New Clay Markets," debunking the myth of global warming.

I could go on. I could spend 3 hours talking about scientists who were on the other side of the issue. I don't know where these guys came up with this idea. This is one that gets personal with Senator Gore. Keep in mind the source of this. This is MIT, Massachusetts Institute of Technology, and the Senator from Massachusetts is making these statements. MIT climatologist Richard Lindzen, in June of 2006, said:

A general characteristic of Mr. Gore's approach is to assiduously ignore the fact that the earth and its climate are dynamic. They are always changing, even without any external forces. To treat all change as something to fear is bad enough. To do so in order to exploit that fear is much worse.

We can go on and on and on. I have found one thing to be probably easier to discuss with people than the science. I think at least people know that the science is not established, and there is no question that the trend now is that those scientists who were alarmists are now skeptics.

While you could debate the idea of how accurate the science is on this thing, there are things that you cannot debate. This is from the Wharton School of Economics. When I was chairman of the committee and I was a believer that this was true, this caused me to start looking into it. This is the Wharton Econometrics Forecasting Associates:

Implementing Kyoto would reduce the average annual household income nearly \$2,700, at a time when the cost of all goods, particularly food and basic necessities, would rise sharply.

That is bad enough, that it would be \$2,700. I don't know, in this particular amendment, what it would be. This amendment is clearly aimed at causing us in this country to somehow get into this mode of having either a tax on carbon or a cap on the trade program. Keep in mind, this is old stuff here, which has been around a while. More recently, we have had studies that were done by others.

Here is the MIT study that was released last month. This study analyzed the economic impact of some of the carbon cap on trade proposals. We have looked at this. The study found that the Boxer-Sanders bill, which is the one to be taken up by Senator BOXER

and Senator SANDERS, would impose a tax equivalent of \$4,560 on every American family of four. The Lieberman-McCain proposal, which is more modest, would cost the same American family more than \$3,500 in 2015 and almost \$5,000 a year by the year 2050. This is huge.

I can remember, in 1993, the largest tax increase in modern history was proposed and passed by the Clinton-Gore administration. It increased the marginal rates on all Americans by huge amounts. I could describe it, but it was a huge tax increase. It would cost \$32 billion a year. Now, while that would cost \$32 billion a year, the Kyoto elements that came out of the survey would cost over \$300 billion a year. In other words, what I am saying is that the cost of cap on trade systems, or these reductions they are talking about, is far greater than 10 times the largest tax increase of 1993 in modern history. You can argue the science. One thing you cannot argue is the money. It will cost that amount of money.

I am going to go and cover a couple of things that I think are of interest. We will put up the EU chart. When Kyoto was passed, and prior to being ratified by a number of different countries, of the 15 Western European countries, only 13—all signed on, I say to the Chair, and ratified the Kyoto Treaty—all 15 countries of Western Europe. Out of those 15 countries, only 2 actually have met their emission requirements. Everybody can pat themselves on the back and say I am going to pass this thing, but only 2 out of 15 met the requirements. These are the countries, and the United Kingdom and Sweden were the only two out of all those countries that reduced the amount of emissions and tried to reach a target. The rest of them had increases in emissions. There it is right there on the chart.

So let me suggest to you something else that is significant. During the Clinton-Gore administration, when they had the various meetings with people trying to sign onto the Kyoto Treaty, we talked about how much money this was going to cost. Thomas Wigley was the scientist chosen by Al Gore during the Clinton-Gore administration. He was charged with the responsibility. He said if all developed nations—not some but all—signed on to the Kyoto treaty and lived by its emissions requirements ratified by the treaty, how much would it reduce the temperature in 50 years. I finished saying of the 15 western European countries, only 2 have made the targets. It is not going to happen, but if it did happen in never-never land, let's assume all the developed nations, all of us sign on to it and live by the emissions requirements, how much would it reduce the temperature in 50 years? The result at the end of 50 years was seven one-hundredths of 1 degree Celsius. It is not even measurable. So we have had the largest tax increase for 50 years and yet nothing has come from it.

I am going to go over something we did a few weeks ago. A few weeks ago the distinguished chairman of the Environment and Public Works Committee—the committee I used to chair—decided she would have a hearing and have Al Gore come in and give his pitch, talk about his accomplishments, and so forth. I felt it wasn't going to go too well, so all I could do was use the opening statement I had. I had 10 minutes for an opening statement. This is what I did.

I said: I am going to state seven positions and, Mr. Gore, I would like to have you, since you are going to have all the time in the world to respond and I won't have nearly as much time, I want you to refute, if you can, any one or two or seven of these seven. He could not do it and did not do it. So we accept as fact those issues which I stated and he didn't refute. Let me go over them quickly.

No. 1, this is somewhere between a \$300 billion and \$380 billion tax increase on the American people annually. That is there. No one is going to deny that. That has already been verified. He did not refute that point.

No. 2, if all these things happen, it would be like the chart we saw: It would only reduce the temperature by seven one-hundredths of 1 degree Celsius in a period of 50 years, and everybody understands that is true. He didn't refute that.

No. 3, there is no link between hurricane intensity and global warming. I don't think anybody wants to get into that debate. I can and I will, perhaps—I won't get around to it until the second go round—very carefully and succinctly talk about the fact that scientists are now saying the linkage doesn't exist, and even Senator Gore is not talking about that anymore. That is No. 3.

No. 4, the sea level rise scenario is bogus. That movie a lot of kids are required to watch—kids are impressionable. They don't understand. They don't know it is science fiction. They think this is something that is going to happen, and those kids have nightmares. I have parents tell me—similar to the lady from Maryland whose daughter had to watch that movie once a month—we are all going to drown. It is a horrible thing, but they believe that.

Now we know the sea level rise scenario is bogus, and we have the documentation that says it is. He didn't refute that.

No. 5, it is all about money. You could put this in a lot of different categories. Yes, there are huge amounts of money involved. We already talked about the corporations supposedly joining in this coalition to reduce greenhouse gases because they are good citizens, only to find out they are making millions and, in some cases, billions of dollars by doing it. Every time I say this, I say I don't criticize them because if I were chairman of a board of any of those companies, I would do the same thing.

I already said how much money we are talking about. There are huge amounts of money to be made. Al Gore—and this is a small thing—after his little award the other day, his speaker's fee went up to \$200,000 a speech. That is money. Obviously, there are a lot of people who would like to get in on that deal.

There is also George Soros, the Michael Moores, and these various foundations such as the Heinz Foundation that put in thousands and thousands and thousands of dollars, contribute to campaigns, buy off scientists. That group is very busy. That is No. 5. That wasn't refuted.

No. 6, the believers are converting. That is what I started off this presentation with, that the believers who are out there, who were strong believers 12 years ago, are now saying the science isn't there. I have given the documentation, I have given the quotes, I have given their names and titles. They are all distinguished scientists from all over, and they are coming the other way. That is why I say panic is setting in because all of a sudden people realize people are catching on.

Then the last point, No. 7. If you look at the movie—I confess, I have not seen it—the last frame of the movie says—I believe this is going to be accurate because I have it pretty well memorized: Are you ready to change the way you live?

The whole idea of the movie was to get people to start not using toilet paper and all this stuff the elitists in Hollywood want everybody else to do except for them. Then we find out Senator Gore's house in Tennessee emits 20 times the greenhouse gases of the average home in America—20 times. I said: You are asking everyone else are you ready to change the way you live. So I asked him to take a pledge, giving him a full year to comply, saying at the end of a year I will have my house emissions down so it will be the same as average America. This is day 51, by the way, and he hasn't signed that pledge.

I say these not in a light vein, because this isn't light. This is serious stuff. The science is there. The money is there. The taxes are there, the cost to the American people. Fortunately, the American people are catching on.

A lot of people have said: All right, INHOPE, so you got into this thing after you were once a believer in the fact that manmade gases were causing climate change, and you changed when you found out what it was going to cost. If the science isn't there and it is going to cost the American people 10 times the largest tax increase in history, then why would people be for it?

I suggest there are a lot of people outside who are very vocal. One statement is from France, from Jacques Chirac. Jacques Chirac said Kyoto is not about climate change. He says:

Kyoto represents the first component of an authentic global governance.

That is not INHOPE, that is Jacques Chirac.

Another is Margot Wallstrom. She was the environmental minister for the European Union. Margot Wallstrom said:

We are not talking about climate change, we are talking about—

Listen to this, Margot Wallstrom—

Kyoto is about the economy, about leveling the playing field for big business worldwide.

There you have it, Madam President. My wife and I have been married for 48 years. We have 20 kids and grandkids. I am doing this today for them. I don't want them to have to pay huge tax increases the rest of their lives for something where most of the science has already been refuted.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KERRY. I ask the Chair if she will share with me what the time is now at this point.

The PRESIDING OFFICER. The Senator from Massachusetts has 47 minutes remaining, and the Senator from Oklahoma has 31 minutes remaining.

Mr. KERRY. I thank the Chair.

Madam President, let me try to find a place to begin. That is a pretty extraordinary set of statements that has been set forth here. I suppose the first place to begin is by setting the record clear that the amendment has been completely and totally mischaracterized. This amendment does not affect the projects that are in the WRDA bill. The Senator has said this would kill the WRDA bill and every project in the bill would have to go back and be redone. That is specifically not true because this is targeted toward future projects, and it specifically leaves out those projects currently approved and in the process. So it doesn't touch anything in this bill. That is No. 1. That is the first mischaracterization.

Secondly, the Senator from Oklahoma spent a lot of time talking about Kyoto and how Kyoto would be terrible, Kyoto would require people to do this. We are not doing Kyoto. Kyoto is sort of out of the picture, in a sense, for us because we are well beyond the ability to ever meet Kyoto.

More importantly, when he cites the European community not living up to Kyoto, Kyoto doesn't go into effect until next year. They don't have to meet it until next year and they have until 2012 to meet it. To be throwing around comparisons to Kyoto today and saying, well, they haven't met it; of 15, 2 actually made the target—that is pretty good, that 2 have made the target before it even goes into effect.

Moreover, over the years, since 1990 when we began this process in Rio—and I might add, President George Herbert Walker Bush and Republican EPA Administrator Reilly and Republican Chief of Staff and former Gov. JOHN SUNUNU all signed on and agreed we needed to take this seriously and respond. That is not George Soros, that is not some Hollywood crew. That is a

Republican President of the United States who signed us on to a voluntary framework over the years. And since then, Europe has reduced their emissions by .8 percent. Guess what. The United States has increased its emissions by 15.8 percent. So Europe is reducing; the United States is not.

The Senator mentioned a certain number of "scientists," et cetera. First, we have done some research on a number of those folks previously. Some don't even qualify as legitimate scientists, No. 1. But No. 2, not one of them has ever produced a legitimate, scientific, peer-reviewed study that has met with scientifically peer-reviewed analysis that signs off on their conclusions. Not one of them, not one, compared to 928 peer-reviewed studies that have been put forward all over the globe by scientists from all kinds of countries.

He says scientists are changing their minds and moving in a different direction. I don't know what scientists the Senator listens to or who he is talking about because the most recent analysis of scientists is several thousand scientists who make up the intergovernmental panel on global climate change.

I know I heard the Senator talk about how this represents some kind of global conspiracy and global government and all of this, but it is something called the United Nations which Republican Presidents have used, conservative Republican Presidents, such as Ronald Reagan, often went to and found the ability to work cooperatively to achieve things. Whether it was President Jerry Ford, President Richard Nixon, or others, they respected the United Nations and have tried to enhance its ability to do some things on an international basis.

These several thousand scientists have put out four reports. Each report has been stronger than the next, and those scientists who are part of that process have not been leaving, departing, changing their minds, recanting, or asking to rescind their opinions. In fact, they have strengthened those opinions.

The most recent statement is pretty clear. It is unequivocal that the Earth's climate is warming. Evidence from observations of increased global air and ocean temperatures—and I quoted earlier the 90-percent likelihood they quote that it is human beings who are causing that.

You can choose to ignore evidence or not. All through history there were people who argued man could never fly, and we did. There were people who argued we couldn't have a vaccine for a disease. There were people who argued putting fluoride in the water was going to kill you. There were people who argued all kinds of things. There were people who argued the Earth is flat. But the fact is there were always bodies of evidence based on real science that found a consensus, and that consensus has never been more powerful

than it is today that what is happening is happening. Eleven of the last 12 years rank among the 12 hottest years on record since 1850, when sufficient worldwide temperature measurements began. Quoting from the IPCC:

Over the last 50 years, cold days, cold nights, and frost have become less frequent, while hot days, hot nights and heat waves have become more frequent.

The Senator said people are saying there is doubt about the increased intensity of storms, so let me quote what 2,000 scientists from over 154 nations, I think is the number, have concluded.

The intensity of tropical cyclones, hurricanes in the North Atlantic, has increased over the past 30 years, which correlates with the increase in tropical sea surface temperatures. Storms with heavy precipitation have increased in frequency over most land areas. Between 1900 and 2005, long-term trends show significantly increased precipitation in eastern parts of north and South America, northern Europe, and north and Central Asia. Between 1900 and 2000, the Sahell—that is the boundary between the Sahara Desert and some of the fertile regions of Africa to the south—the Mediterranean, Southern Africa and parts of southern Asia have become dryer, adding stress to water resources in those regions. Droughts have become longer and more intense and have affected larger areas since the 1970s, especially in the tropics and subtropics.

The Senator mentioned the scientists had revamped or revised their conclusion about ice melting from 39 inches to 23 inches. What they did was take out of that assessment the ice melting and looked simply at temperature—at the sea level rise that was occurring as a consequence of expansion and the other phenomena we are witnessing, and they found that is between 7 and 23 inches. Maybe people think 7 and 23 inches doesn't make a difference, but if you are in southern Florida, if you are on the islands, if you are in a port city, there are 100 million people who live within 3 feet of sea level. So you are looking at a potential threat of great significance. Those scientists have not walked away from that prediction. If you include the melting of the ice, which our best scientists are now telling us may well happen, it is even worse. It has the potential of 16 to 23 feet.

When a doctor tells you that you have indications you have a cancer, you usually go and try to find treatment. Well, the doctors are telling us something is going on and we ought to be concerned about it, and they are pointing to what it is.

I want to speak about the greenhouse gas concept for a minute, because it allows us to use our minds, the minds God gave us. It allows us to think about consequences. Why do we call it greenhouse gas? Where does the word greenhouse gas come from? It came long before we talked about climate change. The word greenhouse gas has been applied to these gases because they have the impact of creating a greenhouse effect on the earth, and the science is absolutely unequivocal. I defy any scientist to come in here, who

is legitimate and bona fide, and tell us there is no greenhouse effect. Scientists agree there is a greenhouse effect.

In fact, life on Earth would not exist without the greenhouse effect. It is this thin layer of gases in our atmosphere that in fact preserves the ability for all of us to live on Earth, and those greenhouse gases contain heat within the Earth that keeps the average temperature of the Earth at 57 degrees Fahrenheit. If you didn't have a greenhouse effect, the Earth would be 60 degrees cooler. The greenhouse effect got its name because it behaves like a greenhouse at a nursery or in a garden, where the light can come in through the glass, and it comes through transparently, the light hits the pots of earth and things that are in there, reflects, and creates its own energy.

That energy then goes back out, reverberates the light, and comes back in a shortwave emission from the sun—and it is transparent—and it goes back in a longwave emission, which is less powerful. It is opaque. The veneer of the atmosphere, the greenhouse gas veneer is opaque to that energy trying to be released, which means it can't break through. It blocks it. A certain amount of that gas is trapped, and that is what creates the greenhouse effect, and it warms over a period of time.

That warming is now absolutely conclusive. It is incontrovertible. As Professor John Holden, who is a professor of government and earth science at Harvard, and also affiliated with Woods Hole Marine, states very clearly, the folks on the other side of this argument have two major obligations, neither of which they have ever met. Obligation No. 1: They have to show the warming that is taking place is caused by other than the greenhouse gases. In other words, they have to show what is causing it if the greenhouse gases aren't. And No. 2, they have to prove the greenhouse gases that are going up and behaving in the way I just described are not what is creating the warming. And they have never, ever, ever, ever met that standard. They have never provided a study that meets either of those tests. They can't show you what is doing it and they can't show you why the gases we create aren't doing it. We do have, however, a group of scientists who are warning us about what we ought to do.

The Senator dismisses very quickly the companies that are involved in this. Well, I have never met a company that goes off to do something and creates a storm about science based on complete fraud with respect to what they are doing. None of them came to the table willingly, may I add. They have come to the table because they understand the science. They have come to the table because they understand companies all over the world are exerting responsibility.

The former Treasury Secretary, Paul O'Neill, was president and CEO of Alcoa, and for some 15 years now he

has been taking steps as a CEO with a sense of civic responsibility to try to respond to this science.

The fact is all of these scientists, and I might add the presidents of these other countries, are speaking, obviously, out of concern for their own countries, out of concern for their own constituencies, and for the threats they face in those nations. Prime Minister Blair, who is leaving office shortly, has made this one of his major issues, one of his major crusades, and obviously has done so at some risk. But the fact is he and many other leaders of countries accept the science and understand their responsibility to try to meet it and to do so in a responsible way.

I have spoken to the sea level rise and to the United Nations, but there is one thing I might clarify very quickly. Mr. Hansen did not get a grant from the Heinz Foundation. Mr. Hansen was presented a Heinz award in honor of former Republican Senator John Heinz, who was a great leader on this issue. Senator Heinz knew global climate change was happening, he knew we needed to respond to these things, and Mr. Hansen received an award, with no strings attached, no communication whatsoever, as a recognition of his work. He has received awards from many other organizations and entities over the course of his lifetime, and I would put his credentials and his experience up against any of the other so-called scientists we sometimes hear referred to.

I might also add we have heard a lot about the implementation of Kyoto. I led the floor effort on Kyoto when the so-called Byrd-Hagel amendment was brought to the floor, so I know something about that particular process. The fact is those who have always opposed doing something about global climate change have tried to use that vote and Kyoto itself as an excuse to sow fear in their own party, saying how much it is going to cost Americans and how terrible it is going to be, how it will ruin our economy and take us backwards. These are exactly the same arguments we heard in 1990 when we did the Clean Air Act.

I sat in the room right back here, which is now the majority leader's room. It was then Senator Mitchell's office. We sat with EPA Administrator Reilly, with JOHN SUNUNU, and with others. Republicans and Democrats alike sat at that table and we negotiated out the Clean Air Act. I remember all the "Chicken Little" cries we heard as people came and said, well, you know, if you make us do this, it is going to cost \$8 billion to the industry and it is going to destroy the industry, and it will reduce American jobs, and we are going to be noncompetitive. The environmental community came in and said, no, no, no, those guys are wrong, it is not going to cost \$8 billion, it is going to cost \$4 billion. And it won't take 8 years, we can do it in 4 years. Guess what. It cost about \$2 billion and

took half the time. They were wrong, too.

All the statements about how it was going to ruin America's economy? We wound up growing our economy by 123, or whatever, percent over those years. More jobs were created and Americans did better. We did it and we breathed cleaner air at the same time.

The fact is, nobody has the ability to predict what is going to happen when you start down this road. Once you begin to kick these technologies into gear, then the entire basis of the judgments you are making begins to change, because the technology moves far more rapidly than anybody can surmise, and some things are going to appear that we don't even know about today.

Let us assume the Senator from Oklahoma is correct and I am wrong, and the scientists are all wrong, and Al Gore is wrong, and everybody who has spoken out on this all through the years is wrong, and that we went down this road in order to deal with some of these issues. What is the worst that could happen?

Given past experience with the Clean Air Act, and given experiences with where the world is moving on this issue, we are going to create a whole bunch of new technologies, create a bunch of new jobs, where we will have cleaner air to breathe, a population that is less impacted by asthma and emphysema and by other airborne particulate diseases, there will be less cancer, and we will wind up more energy independent, with cleaner fuels, and the United States will have greater security. We will lead the world in these technologies, because these other countries are committed to buying them.

If they are wrong, what is the worst? Global catastrophe, according to every prediction. That is the ledger here. You can take your choice. You can be prudent and take the steps we need to take, or you can continue to keep your head in the sand and ignore the work of these thousands of scientists and these leaders around the world and these corporate citizens and others who have come to the table.

All we are asking for here is that our Corps of Engineers makes a judgment. I mean, are we saying they shouldn't make a judgment; that they shouldn't make an analysis? Maybe the judgment they will make is they will agree the science is wrong. But shouldn't they be asked to make that judgment? Shouldn't they be asked to measure what in fact is possible, as a consequence of the evidence on the table? Wouldn't it be helpful to all of us to have them making those kinds of judgments?

I think when we look behind the curtain of the sort of red herrings that get thrown out here, there isn't one that stands up; not one peer-reviewed scientific analysis, not one legitimate, cogent statement to the contrary to explain why what is happening is happening and what the impact is.

Let's say it wasn't just the greenhouse gases, because we are not doing anything in this amendment to deal with greenhouse gases. Let's say it isn't the greenhouse gases but that the Earth is warming. Isn't it smart to have the Corps of Engineers at least make a judgment about what the effect of the warming may be with respect to water, since they are going to be dealing with water resources? This is, after all, the bill that deals with water resources for our country. It would be smart for the Corps of Engineers to be able to make some judgment with respect to that.

The Chair of the committee has come to the floor and has some information with respect to the Corps of Engineers' willingness to do that, so I yield such time as the Chair might use, and I reserve the remainder of the time after that.

Mrs. BOXER. Mr. President, how much time remains for Senator KERRY? The PRESIDING OFFICER (Mr. WEBB). The Senator has 26 minutes.

Mrs. BOXER. If the President could just tell me when I have used 4 minutes, I will yield the rest of the time back to Senator KERRY.

I think, again, this gives us the sense of some of the debate that has been going on inside the environment committee and across the various committees. I certainly believe these kinds of debates are helpful because we get the charges, if you will, out in the open. People on one side or the other can have this free debate.

I thank the Senator from Massachusetts. When I learned he was going to offer this amendment, I wrote to the Corps and I asked them whether they are considering the impact of global warming already as they do their work. I will ask consent to have printed in the RECORD their answer to me. It is dated May 10. I will just read a little bit of it.

The Corps planning process has been considering the physical impacts of global climate change for over 20 years, initially through the consideration of sea level rise in project planning. As part of the evolution in our approach to incorporating the impacts of global climate change, we are including more risk and uncertainty analyses in our planning process. We continue to collaborate with Federal agencies to ensure that we are up to date on the current interpretations of climate change scenarios and to refine our processes as more aspects of global climate change are understood. This is imperative because the water resources public works projects being planned and designed today must protect against and be resilient to future extreme events, which could be exacerbated by global climate change.

They are basically saying:

We believe the [Corps] is a leader in developing an innovative, yet practical, cost-effective approach to addressing climate change impacts in our planning and management of our key water-based infrastructure. We are well positioned to respond to the Nation's needs now and in the future.

I want to have this letter printed in the RECORD because I want to say to my friend from Massachusetts that as

a result of his offering this amendment, we were able to get the Corps to focus on everything they have been doing to address climate change. I think the Senator will be pleased to see some of the steps they are already taking. I think his amendment is really consistent with what the Corps has already begun to do.

I thank Senator KERRY. I thank Senator INHOFE for engaging in this debate with him. It is a little more pleasant for me to see the debate between Senator KERRY and Senator INHOFE rather than Senator BOXER and Senator INHOFE. It is a little bit of a rest for me. I thank both of them for their intelligent approach to this debate.

I send this letter to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY,
U.S. ARMY CORPS OF ENGINEERS,
Washington, DC, May 10, 2007.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: This is in response to your letter of May 8, 2007, to Lieutenant General Strock requesting information on how the Corps addresses the potential impacts of global warming in our planning process.

There are many avenues through which the U.S. Army Corps of Engineers (USACE) Civil Works program addresses the difficult scientific, technical and operational issues raised by the uncertainty associated with climate change and its potential impacts on planning and management of water resources infrastructure. Attached please find a discussion of some actions we are taking to address climate change in all of our activities.

The Corps planning process has been considering the physical impacts of global climate change for over twenty years, initially through the consideration of sea level rise in project planning. As part of the evolution in our approach to incorporating the impacts of global climate change, we are including more risk and uncertainty analyses in our planning process. We continue to collaborate with Federal agencies to ensure that we are up to date on the current interpretations of climate change scenarios and to refine our processes as more aspects of global climate change are understood. This is imperative because the water resources public works projects being planned and designed today must protect against and be resilient to future extreme events, which could be exacerbated by global climate change.

In conclusion, we believe the USACE is a leader in developing an innovative, yet practical, cost-effective approach to addressing climate change impacts in our planning and management of our key water-based infrastructure. We are well positioned to respond to the Nation's needs now and in the future.

Sincerely,
STEVEN L. STOCKTON, P.E.,
Deputy Director of Civil Works.

Mrs. BOXER. I yield the remainder of the time to Senator KERRY.

Mr. KERRY. Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. INHOFE. Mr. President, since we are having so much fun here, let me go

back and respond to the Senator's response. After this, I have a very significant meeting I am going to have to attend. I am going to have to reserve the remainder of my time, go attend that, and come right back here. I have to leave temporarily. Let me go ahead and cover these last 12 things the Senator from Massachusetts has said.

First of all, I think he is right on this—I found out he was right. I had said the cost of this and the effect of this would be to delay projects. I found out, after he said it and I found out it is true, that his bill starts from this point forward. The reason I didn't know that is because his amendment was not filed until last night, and I was on my way back from Iraq last night, so I was not aware of this. It doesn't change my argument, though. The argument is this is another step which has to be taken any time we have to go through any kind of a process.

I am sure, when we have the next Transportation reauthorization bill, he will have an amendment saying we have to know for each project how this could affect climate change. It really doesn't make that much difference.

The second thing, he said Kyoto is not really on the table. I am glad to know that because whether you call it Kyoto or something else is not important. It is still going to have to be some kind of restriction, some kind of carbon tax, some kind of cap-and-trade policy. When you do, it is going to cost money. So, yes, I used the Wharton Econometric Survey to demonstrate clearly that this is a tax increase of \$2,700 on each family of four. However, the more recent bills—I grant to the Senator from Massachusetts, we are talking about this. We are talking about the ones that are more recent than this. The more recent ones, done by MIT, the Massachusetts—I stress that—Institute of Technology, show that the Sanders-Boxer bill's cost is about \$4,500 for each family of four. McCain-Lieberman would be \$3,500. So if you would rather not use Kyoto, that is fine. We will use some of the more recent ones. Nonetheless, it will be something equal to 10 times the largest tax increase in contemporary history.

He said also that there is not one peer-reviewed scientist—or study that substantiates what we are talking about. So let me just read them again here to make sure we understand what this is.

Two weeks ago, the top hurricane scientist in the U.S. Government—indeed, one of the top hurricane scientists in the world—published a peer-reviewed study in the scientific Journal EOS that concluded from the evidence that “hurricanes in the Atlantic have not increased for more than a century.” Peer reviewed. There it is.

Another one is a peer-reviewed study published in the April 18, 2007, issue of the science journal Geophysical Research Letters which found:

If the world continues to warm, vertical wind sheer, which literally tears apart

storms, would also rise. These winds would decrease the number and severity of storms we would otherwise have.

In other words, it would actually have a decreasing effect. Again, it is peer reviewed.

We had a third one, too. We have several of those which are peer reviewed. So that statement is not correct.

Let's see, the fourth point is INHOFE said this is some kind of a global conspiracy. No, INHOFE didn't say that; Jacques Chirac said that, and I quoted him. I have quoted him, so there would be no reason to repeat it; it would be redundant, although it might be worth redundancy here. Jacques Chirac said—and he wasn't talking about Kyoto having anything to do with climate change.

Kyoto represents the first component of an authentic global governance.

That is not Senator JIM INHOFE saying that; that is Jacques Chirac.

I quoted other people—Margot Wallstrom, who is the Environmental Minister from the EU, or was at that time. She said it is about leveling the playing field worldwide. Again, the Senator from Massachusetts is wrong. It wasn't Senator INHOFE; it was Jacques Chirac.

No. 5—I always enjoy this one—they use the consensus that the world—you know, the Flat Earth Society. They have it backward. In fact, this is what we are faced with, the same thing science was faced with back when they thought the world was flat. They thought the Earth was flat, and that was the consensus. All the experts agreed on that at that time. Then we found out with new science that it was not. That is exactly, precisely what is happening in this case.

They all thought at that time that manmade gases were causing climate change. Now they readily admit and say—and I will be glad to read them again. I plan on yielding back a bunch of time because we do want to get to voting before too long. But I read all the scientists who are very strong in their consensus, and these were the scientists who were the strongest pro-global-warming extremists around 10 years ago, but they have changed their minds. It is in the record. I already read it about an hour ago.

Then, No. 6, the statement the Senator from Massachusetts said, the IPCC survey—that is the United Nations—was talking about 2,000 scientists agree to it. It is not 2,000 scientists. What he is quoting from is the summary for policymakers. Every time they have an IPCC meeting—they have had five now, I believe—they start out with a policy summary for policymakers. These are the politicians, not the scientists. They are the ones who believe it. Yet, even though they are strongly on the other side, they have to defend their position. It was the United Nations that started this whole thing. The IPCC was the group that did it.

It is going to be very difficult for them to change their position, so

gradually they are coming over to our side.

The next thing the Senator from Massachusetts was criticizing me for was talking about minimizing the sea level rise. I am not. That is the IPCC. That is the United Nations. They said prior to this year's report that it was going to rise 39 inches over the next 100 years—until this year. They came out and they said: We will reduce that. Instead of 39 inches, it will be somewhere between 7 and 23 inches. Every time they come out with a new report, they reduce that sea level rise. Again, it is not INHOFE saying it; it is the IPCC talking about it.

No. 8, the greenhouse gas effect. I agree with this. The greenhouse gas effect gives life. We need to have that. The question is, What are the manmade gases? We call them anthropogenic gases, CO₂, methane, some others. These are primarily what they are talking about. Do these have a result of increasing temperatures? Is it increasing from natural causes or is it increasing from manmade causes?

Keep in mind, we have charts that show throughout the beginning of recorded history it has been like this. You know, people don't understand. God is still up there. We have natural things that are taking place. It gets warmer, gets cooler, gets warmer, gets cooler. Every time it does, I have an interesting presentation where we talk about the hysteria we see in the press, only to find out this was something in the New York Times in 1895, the same thing as they are talking about today.

This happens, natural causes are out there, and, yes, you need to have the greenhouse effect. It gives life. The question is, What do manmade gases—how do they increase it?

Put that Wiggly chart up one more time, the Tom Wiggly chart. This is the scientist who was commissioned by Al Gore during the Clinton-Gore administration. He said that if all developed nations signed the Kyoto treaty and lived by its emission requirements, it would reduce the temperature only by seven one-hundredths of 1 degree in 50 years. It is not even measurable. This is not me talking. Again, these are the scientists. They are scientists I didn't commission. That was done by Al Gore.

I am glad for the correction on Jim Hanson. He said Jim Hanson was not given a grant by the Heinz Foundation. Instead of that, he was just given a check. I recant what I said. He was not given a grant for \$250,000; he was given a check for \$250,000.

The Senator from Massachusetts talked about the Byrd-Hagel amendment. Let's remember what that amendment was. The amendment said—and this passed by 95 to nothing in this Senate. I was standing here. I voted. I don't know whether the Senator from Massachusetts was here. I assume he was.

Anyway, what it was, after they signed this protocol, they wanted to

submit it to the Senate for ratification. That is the process you have to go through. The President and administration can sign it, but it has to be ratified. Thank God it has to be ratified, and all these other treaties do, so we at least read them. So the Byrd-Hagel amendment was passed by 95 to 0—that is unanimous from everyone who was here—that said we will not ratify the Kyoto treaty if either of the two following is true: No. 1, that we are not requiring the developing nations to do the same thing the developed nations do, and No. 2, that it would be economically devastating for our country.

We know what it is going to cost in terms of how it relates to the largest tax increase in history, and we know also that China and the developing nations have no interest. China will become the largest emitter of CO₂ this year, way ahead of schedule. They are going to be the largest emitter, and they are sitting back laughing at us. I think we have only put on line one coal-fired generating plant to give this country the energy to run this country in the last 15 years—let me correct that. In the 15 years between 1990 and 2005, we didn't put on line any new coal-fired generating plants. At the same time we are not doing anything, China is cranking out one every 3 days.

Now, of the people standing on the floor of the Senate, I know Senator DORGAN is concerned about jobs, life in this country and other countries as well when we run out of electricity. Right now we are dependent upon coal for 53 percent of the energy it takes to run this great machine we call America.

Now, if you pull 53 percent out, this is where the corporations make money, those who are competing with coal. They make a fortune. Who pays? The poor pay. There was a very interesting study done not too long ago. It is not just a matter of the tax increase, CBO, 2 weeks ago, came out with a report that said, yes, it is going to cost this amount of money. But the worst part of it is it is going to cost the poor, people on fixed incomes. Those are the people who have to spend a larger percentage of their income on energy, on heating their homes and those things that are a necessity.

So, anyway, the Senator from Massachusetts talked about the Byrd-Hagel amendment. It is still out there. It still has 95 Senators who said: We don't want to ratify any program that is not going to apply equally to Mexico and India and China and other developing nations.

Then, I guess, No. 11, the point he made when he was talking about the economy, saying, oh, this is not true, well, I have a great deal of respect for the junior Senator from Massachusetts, but would you rather believe him or would you rather believe the Wharton Econometric Survey in conjunction with the Massachusetts Institute of Technology?

Look, I know I am not as smart as most of you guys around here. So I go to the areas where they are smart. I know where the scientists are. I would rather quote scientists who do know rather than stand here and tell you how smart I am because I am not. But I know how to read these papers. I do know for a fact the scientists have come over to our side.

I would suggest anyone who wants to really get into this thing, I have got a Web site, which is www.epw.senate.gov. Now, go to that. We have literally thousands, not hundreds but thousands of scientists who are now saying the science is not there. You cannot say there is a consensus.

Lastly, Senator BOXER, we are getting along real fine on this bill. She does not want to kill it; I do not want to kill it. This amendment is not going to pass. So I think the bill will pass.

But they say the Corps of Engineers is already doing this. If the Corps of Engineers is already making this evaluation on projects as to what effect they are going to have, then why do we need this amendment? I would suggest we do not need this amendment.

I reserve the remainder of my time. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 16 minutes 45 seconds. The Senator from Massachusetts has 22 minutes 41 seconds.

Mr. INHOFE. Madam President, I reserve the remainder of my time. I am going to go to an appointment that I have right now and try to return in a few minutes.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me respond, if I can, to the Senator from Oklahoma. I regret that he has to leave.

Almost every single one of the statements he just made does not apply to the question of global warming itself.

Let me give you an example. The Senator just cited two peer-reviewed studies. One of the peer-reviewed studies he talked about talks about hurricanes and the scientists who found that hurricanes have not increased.

We never asserted they have increased. I didn't come here and say they have increased. Maybe some people have talked about the increase in the number of hurricanes, but he has a peer-reviewed study, supposedly, that talks about hurricanes have not increased. He does not have a peer-reviewed study that says global climate change is not happening because of human-induced greenhouse gases. Not one.

The second study he cited as a peer-reviewed study was vertical wind shear, decreasing the effect of wind. Well, I am not here to debate vertical wind shear. Yes, there are certain indicators within the framework of models that cannot predict accurately exactly what is going to happen as a consequence of climate change. We have admitted that for 17 years.

The Senator, obviously, missed the fact that I said—I led the effort on our side on the Kyoto agreement with respect to Byrd-Hagel. I advised my colleagues to vote for it. I voted for it. And we voted for it because there was a simple principle at stake, which is whether we were going to treat this on a global basis, whether we were going to, all of us, join in. If the United States was going to be part of the solution, we could not be a solution by ourselves. We needed to have the less developed countries and others join in.

That has been a fight we have been involved in now for a number of years. But, please, I ask the Senator, do not misinterpret what we were doing in that. We were not suggesting that it was the cost factor or because we did not need to do it. It is because we needed to do it in the most sensible way, and we needed to do it within a global framework. We still need to do that.

Now, each of the statements the Senator just made is flat incorrect—most of them, 90 percent. I will be very specific. He talked about how it was politicians who wrote this, not scientists. Well, in fact, that is not true. This report was created by scientists. And the EPW Committee itself had a briefing in which those scientists, including the cochair, Susan Solomon of NOAA, presented the results.

The first page of the summary for policymakers lists the lead authors, every single one of whom are scientists. So let's get our facts straight. Moreover, the Bush administration made the following statement in support of the IPCC. They said that they continue to support and embrace the work of the IPCC and the science behind their most recent report.

So the Senator is at odds even with an administration that has been reluctant to deal with this issue. Let me also point out that—he pointed out this question of the discrepancy of the 7 and 23 inches in the change in sea level. Incidentally, these little sort of twists of fact are not so little in the summary because they are being used in the conglomerate, one after the other, to try to confuse people and pretend that somehow this issue is not real.

Each one of them gets blown away by the real facts, but they still keep coming back, something I learned a lot about a few years ago, where the facts don't matter. You just repeat something enough even if it is not true. Well, the fact is, with respect to the sea level rise, they try to make a big deal and say: Well, they have reversed the science; the scientists are going backwards. No, they are not. The sea level rise is still predicted to go up between 7 and 23 inches by 2100. That is what the IPCC report still says. The upper limit is lower than the previous report because they took out the contributions from Greenland and the Antarctic ice sheet. The reason they took them out is because the scientists believed, in keeping with their notion of accuracy and of trying to not be alarmists, that there was a lack of a reliable

model to accurately estimate the melting rate.

Now, you do not have a reliable model to accurately reflect the melting rate. But, guess what. To your eye, you can go up and see the melting. You can look at a satellite photo of 1979 and a satellite photo today, and your eye will tell you 20 percent of the ice is gone. It is not getting colder, it is getting warmer. The ocean is getting warmer.

So what is the logical conclusion? The logical conclusion is more ice is going to melt. And what happens when more ice melts? What was a reflectant to the rays of the sun—the ice—no longer is there to reflect. The sunlight goes into the water. Guess what it does in the water. It is absorbed, it warms up the water, and then guess what happens. The ice melts faster. You do not need to be a scientist to do this. Any kid in school can figure that out, which is why young people get this.

The Senator should not distort these facts. One after another he lays out something that suggests something that is happening that is not.

Take Jacques Chirac's comment. First of all, he is the only person I know of who ever suggested that Jacques Chirac speaks for America. But having said what he said about Jack Chirac and global governance, global governance is something that Presidents have dealt with in the context of the U.N. without ever considering giving up the sovereignty of the United States.

You can have global governance. Anytime you have a treaty, it is global governance. When you had the World War II treaty on the battleship Missouri, with Japan, that was governance.

When the United States went over and Douglas MacArthur helped to create a constitution and create a democracy, that was global governance. It turned out it was a pretty darn good result as we rebuilt Europe and a lot of other places.

Global governance does not have to be this bugaboo word that is used to scare people that somehow we are giving up the sovereignty of the United States. Every one of these arguments just kind of melts away like the ice itself. I think we ought to have a real debate about what is happening.

Let's go to the economy. That is the big one that they love to pick on and say to Americans: Oh, this is going to cost you so much money if you do this, and it is going to wind up being terrible. Well, that is not what the best economists in the world say. That is not what the best business leaders in the world say.

In fact, they have concluded if you do not do something, it is going to cost a lot of money. You want to pay a lot more money for insurance? You want to pay a lot more money for dams that are bigger, pay a lot more money for hospitalizations, more cancer, for more asthma, for more problems of the particulates in the air? Then you can go

ahead and burn dirty coal and not be smart about the future.

The fact is, Sir Nicholas Stearn, who is one of the leading economists in Britain, former head of the Bank of England and one of the people whom Prime Minister Blair tapped to give them an analysis, wrote this in a report last fall:

The scientific evidence is now overwhelming.

This an economist.

Climate change is a serious global threat, and it demands an urgent global response. The review has assessed the wide range of evidence on the impacts of climate change and on the economic costs, and has used a number of different techniques to assess cost and risks. From all of those perspectives, the evidence gathered by the review leads to a simple conclusion. The benefits of strong and early action far outweigh the economic costs of not acting. Climate change will affect the basic elements of life for people around the world, access to water, food production, health, and the environment. Hundreds of millions of people could suffer hunger, water shortages, coastal flooding as the world warms. Using the results from formal economic models, the review estimates that if we don't act, the overall costs and risks of climate change will be equivalent to losing at least 5 percent of global GDP each year now and forever.

Losing 5 percent of GDP now and forever, that is the economic prediction of not acting. And they say if a wider risk of impacts is taken into account, the estimates of damage could rise to 20 percent of GDP or more. In contrast, the cost of action, reducing greenhouse gas emissions to avoid the worst impacts of climate change can be limited to around 1 percent of global GDP each year.

That is an economic standard that, in fact, MIT economists have also confirmed, not quite the same figures but very similar. The bottom line is there is a consensus that the cost of not acting is far more expensive to the American people than the cost of acting.

I go back to the experience we had on the Clean Air Act in 1990. I don't remember Senator INHOFE being part of that discussion. But the fact is, in 1990, when we did that act, the same arguments were put forward about not proceeding forward, and every one of those arguments was blown away by the reality of what happened as well as by the judgments of Republicans and Democrats alike that it was important to act.

Back then, incidentally, DuPont, which has already been castigated by the Senator as somehow being in this for the money—DuPont was the principal producer of the chlorofluorocarbons that were part of the Montreal Protocol. DuPont was unwilling to move until they knew that the marketplace was going to be the same for everybody, which is what happened when the protocol went into effect. Once they knew what the marketplace was going to do, then they proceeded forward with an alternative to the CFCs.

So they proved that, No. 1, you can do it, but, No. 2, you have to do it

where the marketplace is, in fact, working. That is why people believe—incidentally, this amendment has nothing to do with cap and trade. I happen to support it. We will have that debate down the road. But this amendment has nothing to do with it. This merely suggests if we are going to spend Federal dollars on water projects in America and levees and other kinds of projects, that we ought to know for certain every one of those projects is being judged specifically as to the impact of global climate change.

With respect to the cap and trade issue, the fact is, those companies don't want to proceed ahead until they have the same kind of certainty that the marketplace will give them when there is a uniform standard throughout the marketplace. That is far from a bottom-line, profit-seeking motive.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If neither side yields time, time will be charged equally to both sides.

Mr. KERRY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I am sorry I had to leave at a very contentious time. Notes were given to me of what the distinguished Senator from Massachusetts said, that 90 percent of everything that INHOFE said is wrong. I didn't say anything. I am quoting scientists. I am quoting groups that are making analyses, and three of the quotes I made were from the Massachusetts Institute of Technology. He can say what I said is wrong, but he is saying that the scientists were wrong, and they never asserted that hurricanes have increased. It is a little confusing to me because maybe in the last few days he hasn't asserted that, but look at the movie. It talks about hurricanes. Those statements are made with regularity. In fact, they made the prediction that this past year was going to have more and more severe hurricanes. As it turned out, we had less and less severe hurricanes. I agree the models aren't perfect.

I don't know what he said about the Byrd-Hagel amendment but, again, you can't find any of these studies on any of the plans—

Mr. KERRY. Will the Senator yield?

Mr. INHOFE. No, I will not. You can't find any of the studies that are out there that haven't somehow talked about the fact that it is going to do economic damage. We know it is. No one can possibly say that there is a way to approach this where it is not

going to cause the economy to be damaged. So that was in the Byrd-Hagel amendment. The Byrd-Hagel amendment also said we don't want to ratify anything. We are not going to ratify anything. Every Senator said: We are not going to ratify anything that does not require that the developing nations do the same thing that the developed nations do. Obviously, we have not seen one plan that has come along that addresses the cap and trade and greenhouse gas, anthropogenic gas emissions, that doesn't inflict damage that the developing nations are willing to do.

IPCC was not written by politicians. I never said the report was. I said the summary for policymakers was written by politicians.

Sea level rise is not going backward. All I can say is, if you are going to hang all your hopes on the IPCC, look at the report. This was this year, 2007. I have said this several times. I don't know why I have to keep repeating it. Yes, it has been cut in half, their estimate as to how much sea level rise was going to take place. This isn't the first time that has happened. This happens almost every time they have it in one of the reports. So the sea level rise, no sense repeating that.

INHOFE shouldn't distort. He is the only one I know of who says Chirac speaks for America. Chirac speaks for America—ye gods. Since he accused me of saying that this is some kind of a global conspiracy, I was quoting the person who said that, who I am sure is a much better friend of the Senator from Massachusetts than he is of mine, and that was Jacques Chirac. Jacques Chirac said:

Kyoto represents the first component of an authentic global governance.

That is not me. That is Jack Chirac. It answers the question why are these countries over in Europe so interested that we do something in this country that is going to hurt our economy. The answer came from Margot Wallstrom, Minister of the Environment for the European Union. She said:

Kyoto is about the economy, about leveling the playing field for big business worldwide.

Yes, there are other countries that would love to have America be overtaxed and have all these economic problems that we don't have right now. It could inure to their benefit; there is no question about that. No one would deny that.

Best economists don't say controlling carbon will be costly. How many economists and how many scientists do I have to quote? I could use the rest of my time and not repeat one of the scientists, read another whole list, but I have done it so many times. Here are some I haven't talked about. This is the cost.

Going back, if you want to catch 60 at one time, let's take the 60 scientists in Canada, the ones I said earlier were the ones who recommended to the Prime Minister, 15 years ago, that they

sign onto, ratify the Kyoto treaty. Now they say:

If back in the mid-1990s we knew what we know today about climate, Kyoto would almost certainly not exist because we would have to conclude that it was not necessary.

That is 60 scientists there. You can try to discredit all 60 of them at one time and maybe you can do it. I don't know. But there are others. You can't look at these guys with the qualifications they have. Read what they have said. The fact that they have reversed their positions and say the scientists are not, there is some consensus because there is no consensus.

Senator KERRY quoted the Stern report, which has been discredited by even the economists who are climate change believers. I guess he was saying that I said there is a group of industries and we had a hearing on this. I wish the Senator from Massachusetts had attended the hearing. Yes, it is true there are several large corporations in America that are now embracing any kind of reduction, cap and trade or a tax or anything else because it inures to their benefit. I was specific as to how many millions and how many billions of dollars each one of these corporations would have. How dare me say that.

Again, if I were on the board of directors of any of these, I would say: Let's do the same thing. The whole idea is to make money. The problem is, it is as if no one is paying for all this fun we are having. Yes, it would have to be more money. But if we did that, somebody has to pay for it. Again, even the CBO says that all this money it is going to cost, the tax increase on the American people, whichever of these schemes we decide on, is going to be disproportionately on the poor and those who are on fixed incomes.

By the way, one of the statements on here was that no one has said we were going to have a worse hurricane season. I will quote one person I think the junior Senator from Massachusetts would know. It is Teresa Heinz-Kerry. Teresa Heinz-Kerry, the chair of the Heinz Foundation, has helped financially bankroll the Environment2004 campaign coalition, which is placing billboards throughout Florida claiming "President Bush's environmental policies could result in stronger and more frequent hurricanes." That is a quote.

I don't know how much time we have left. We are now repeating each other. Nothing new has come out. I will have maybe a short final statement. I am willing to yield back the balance of my time.

I ask unanimous consent at this point, while we are both resting, that Senator WARNER be recognized for up to 4 minutes to make a statement as in morning business and that those 4 minutes be equally charged to both sides.

Mr. KERRY. Reserving the right to object, I respect the Senator. I would like to give him the time to speak but outside of my time. I would be happy to yield at this point in the day if he

wants to speak as in morning business but not to be charged against our time. If he wants to take it off the Senator's time, he can.

Mr. INHOFE. All right. I ask unanimous consent that the Senator from Virginia be recognized for up to 4 minutes to speak as in morning business and his 4 minutes not be charged against either Senator KERRY or myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Virginia.

REVEREND JERRY FALWELL

Mr. WARNER. Mr. President, I rise to say a few brief words about the Reverend Jerry Falwell, who passed away earlier today at the age of 73.

I have personally known Reverend Falwell since I first ran for election to the U.S. Senate in 1978. And, since that time, I have come to befriend a man who in many ways became a pillar of strength and inspiration not only to his community of Lynchburg, VA, where he was born but indeed to people around the world.

Throughout the 28-plus years that I have had the good fortune of representing the citizens of the Commonwealth of Virginia in the U.S. Senate, Reverend Falwell was always a constituent of mine, and he would often offer his counsel to me about pressing matters of the day. He would always do so in a polite, yet firm manner.

While I might not have always agreed with him, I have always admired Reverend Falwell, particularly for his unwavering commitment to what he thought was right. Jerry Falwell never ran from controversy, and he always stuck to his beliefs.

Indeed, I believe it was the firmness of his convictions that, in part, allowed Jerry Falwell to achieve so much success in whatever he undertook in life. He was an intensely driven man.

At the age of 22 he started a Baptist church in Lynchburg, VA, with 35 members. Reportedly, on the first Sunday his congregation met in 1956, that first offering totaled \$135. Today, that same church has upwards of 24,000 members and annual revenues of all of his ministries total over \$200 million.

In 1971, Jerry Falwell founded Liberty University—a liberal arts, Christian institution of higher education. Today, Liberty University employs more than 1,000 Virginians and educates more than 20,000 students a year either on its campus or through distance learning programs.

In my view, the thousands and thousands of students who Liberty has educated these many years will undoubtedly be one part of Reverend Falwell's strong legacy that will last for generations.

My thoughts and prayers today go out to the Falwell family, including his beloved wife of nearly 50 years, and his three children.

While I am up, I wonder if I could indicate to the managers that I intend to

file an amendment tonight along the lines established by the distinguished majority leader regarding amendments to be considered on this bill which relate to the appropriations bill now being formulated to provide for the funds for the troops. I think it is the wisdom of the two leaders jointly that on this bill those Senators who wish to have language attached to any appropriations bill would make known their desires through adding an amendment on this bill. Cloture will be filed on such amendments for tomorrow. If my amendment is selected by the Republican leader, then I understand it would be subject to a cloture vote tomorrow. But it would at least give me and my principal cosponsor, Senator COLLINS, the opportunity to express our two views and others who have been associated with us to likewise join in expressing their views. I will do that following the vote tonight.

I yield the floor and thank the managers.

Mr. FEINGOLD. Mr. President, I rise today to encourage my colleagues to support Senator KERRY's amendment to the Water Resources Development Act. This amendment is quite simple, and if enacted, would contribute to the modernization of the Army Corps of Engineers, something I have been fighting for for many years.

The Kerry-Feingold amendment would require the Corps to account for the potential long and short term effects of global climate change when planning projects. This commonsense amendment is vital for safeguarding communities and the environment since virtually every water resource project designed and built by the Corps sits on the front lines of global warming.

All Corps projects are going to feel the strain, the impact, and the consequences of global warming. This is true whether we are talking about ensuring that flood damage reduction projects will in fact provide communities with the promised levels of protection; ensuring that port projects take climate change into account for emergency preparedness purposes; or ensuring that ecosystem restoration projects are properly designed.

Along with many of my colleagues, I believe it is essential to take bold steps to address global climate change. Senators SANDERS and BOXER are leading the most comprehensive, scientifically based global warming pollutant bill to address the emission of carbon dioxide. I am proud to cosponsor that bill.

The Kerry-Feingold amendment does not address the emissions of global warming, but rather simply makes sure that future water resources projects take into account the effects of global warming. There are a lot of necessary policy changes needed to respond to global warming and we need to move forward on all fronts. This proposed amendment should gain broad bipartisan support, even from those who remain unsure of the best approach for

curbing greenhouse gas emissions and even from those who remain skeptical about the causes of global climate change.

Our amendment ensures that Corps of Engineers projects will take into account the impacts of climate change, regardless of its cause. It also ensures that the Corps will take more aggressive steps to protect natural systems that can help buffer the impacts of climate change and that provide a host of other vital benefits.

Scientists clearly agree that the climate is changing. They also agree that, as a result of that change, we can expect an increase in extreme weather events. A recent report of the Intergovernmental Panel on Climate Change expresses this consensus. Climate scientists agree that global warming will cause stronger storms, more frequent floods, increased sea level, and extended droughts. This report concludes, among other things, that: Climate change will lead to more intense storms and increasing sea levels, particularly along the gulf and Atlantic coasts, which will pose significant risks to coastal communities from storm surges and flooding; climate change will lead to more flooding in the winter and early spring due to earlier snowmelt and increased rainfall, followed by more water shortages during the summer, particularly in the Western States; and climate change will lead to lower water levels in major river systems and the Great Lakes that will exacerbate existing water resources challenges.

The Scientific Expert Group on Climate Change to the United Nations also recently concluded that human health "will be threatened" by the global climate change-induced increases in the intensity and frequency of storms, floods, droughts, and heat-related mortality. These changes will clearly complicate water resource planning for the foreseeable future.

But we also know that there are ways to buffer the effects of these changes. Healthy rivers, streams, floodplains, and wetlands reduce the impacts of flooding by acting as natural sponges and basins, absorbing flood waters, and releasing them slowly over time. Coastal wetlands provide vital barriers between storm surges and communities. When these wetlands are lost, coastal communities are far more vulnerable to disaster, as we saw so tragically during Hurricane Katrina. Healthy streams and wetlands also help minimize the impacts of drought by recharging groundwater supplies and filtering pollutants from drinking water. And all of these resources provide critical habitat for fish and wildlife, and important recreational opportunities.

Even without global climate change, it is imperative that we take a more aggressive approach to accounting for and protecting these resources that are so essential for the Nation's health, safety, economic prosperity, and well-being.

We do not have to peer into a crystal ball to see the dangers of allowing the Corps to continue to plan projects without accounting for the changes that will be wrought by climate change. The Nation bore witness to those dangers when Hurricane Katrina slammed into the gulf coast. The devastation of New Orleans is a horrific example of the tragic consequences of an intense storm hitting a region where Corps projects have destroyed vital natural wetland buffers and have not properly accounted for the risk of severe storms.

Our amendment requires the Corps to immediately begin to address these types of issues.

Our amendment would require the Corps to utilize the best available climate science in assessing flood and storm risks. This seems like plain common sense to me, but as we have sadly witnessed again and again, common sense does not always guide the Corps and its decisionmaking processes.

Our amendment would require the Corps to more fully account for the value of the services provided by healthy rivers, streams, wetlands, and floodplains.

Of special importance to me, our amendment also builds on existing law and policy to require the Corps to use nonstructural approaches, where appropriate, in project planning. This is critical for ensuring the best possible protection for those natural systems that are so important for our current and future health, safety, and welfare. While the Corps is currently required to consider nonstructural approaches, it rarely recommends them. This is true even when nonstructural approaches would provide the same or better project benefits while avoiding damages to these vital resources.

This provision would not—let me say this again, it would not—prevent the Corps from using structural approaches like levees and floodwalls where they are needed. But it would require the Corps to be more aggressive in its efforts to utilize natural systems that on their own provide vital flood protection and water quality benefits. And it would also help the Corps overcome what the Department of the Army inspector general concluded was an "institutional bias" for constructing costly, large scale structural projects.

We can no longer rely on the status quo to protect our future. We can no longer rely solely on the Corps' traditional approaches to water projects. These approaches have too often severed critical connections between rivers and their wetlands and floodplains, and produced unanticipated wetland and floodplain losses. These approaches have left coastal communities, like New Orleans, far more vulnerable. These approaches have exacerbated flood damages by inducing development in high risk, flood prone areas and by increasing downstream flooding.

This amendment will change the status quo by removing blinders that have

plagued water resources planning for too long. I urge my colleagues to support our amendment and the common-sense changes it would bring about.

The PRESIDING OFFICER (Mr. MENENDEZ). Who yields time?

The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the time allocation at this point? How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts controls 9 minutes 9 seconds. The Senator from Oklahoma controls 5 minutes 58 seconds.

Mr. KERRY. Well, Mr. President, I will try to speed up and use such time as I may use quickly.

Again, let me respond very quickly to some of the assertions that have been made. I want to try to get back to the bigger picture, but I will be very specific about a couple things.

First of all, I never have suggested, nor have I heard anybody who has argued in favor of actions suggesting, there would be no cost, which is the term the Senator from Oklahoma used. We are not talking about no cost. We are talking about relative costs. It is clear from all the best analyses of every economic model that the costs of not acting are much greater than the costs of acting.

That has become true, we have seen, in what has happened with respect to damages, migrations of species, other things that are already occurring and being observed as a result of the warming that is taking place.

In addition to that, I still say to my colleague from Oklahoma, despite the scientists he quotes, he still cannot produce one peer-reviewed study that says global climate change is not happening as a consequence of human activity. He cannot produce one peer-reviewed report that does not say it is happening, period—not one.

So he can come in with a report that says some little thing here, some little thing there, but that does not go to the fundamental question of who is causing what.

As I said earlier in this debate, they have a fundamental responsibility, if they are going to stand up and say to Americans we do not need to do anything; and that responsibility is to answer what is causing the warming if it is not the human-induced activity; and, secondly, how can the human activity that is being created not be doing what the scientists allege it is doing. On both counts, they have never, ever had a sufficient scientific explanation.

Moreover, again, I would point out—I did earlier; the Senator was not here—as to the so-called SPM, as it is called, the policymaker's summary, there is a list on the first page of that summary, and all the people who wrote it are scientists. They are the ones who put that report together.

So there is a point where you can sort of be debating all the red herrings here, which is not what is important. What is important in the end is that

the consensus, globally, of leaders, of scientists, is clear about what is happening and why it is happening, No. 1. No. 2, what we are trying to do is not even respond to that, even though I believe we ought to be; we are simply trying to guarantee there is an adequate level of congressionally mandated—not voluntary but congressionally mandated—review with respect to this in the activities of the Corps of Engineers.

The fact is that climate change, obviously, relates to risk-based analysis. There are many climate change events that are taking place, all of which could affect the reliability of Corps projects. In this bill there is a program for ecosystem restoration in the Louisiana coastal area. Key is going to be ultimately developing a strategy for restoration that understands what happens with respect to coastal erosion and sea level rise. The Mississippi River Gulf Outlet in Louisiana, right along the coast, is dependent on storm surge information, hurricane prediction, sea level rise. Virtually every single beach replenishment project—what good is it going to do to replenish beaches in certain ways if the sea level is going to be rising and the intensity of those storms may increase?

With respect to that, I would say to my friend from Oklahoma, the prediction was there would be more named storms, more hurricanes, and indeed there were more named storms. The level of predictions of storms was met, they just did not hit the United States. We lucked out. But the total numbers, in fact, were high.

So you can play with these possibilities. You can ignore science, if you choose to. But I think responsible legislation at this point, given the scientists and the level of information we have, requires us to act, and this is one very small way to act responsibly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Well, here we go again. This is exactly the same thing. If I responded to everything he said then, I have already done it before. I have read and I have talked about this. I have more scientists, if anyone wants to hear from more scientists. Also, as far as peer-reviewed studies, I have documented it, I have said where they are. So I can just say that so many times.

But here is what I would suggest: What we are talking about is an amendment to this bill, an amendment to the bill which addresses the Corps of Engineers and asks them to report to us on every project, from this point forward, certain types of things, and it describes what they are.

We had a hearing the other day, I say to my good friend from Massachusetts. It was May 11, 2007. That was, what, last week. We have had John Paul Woodley, who is the Assistant Secretary of the Army for Civil Works.

This is a quote from his testimony. He said:

The United States Army Corps of Engineers has the capacity and necessary authorities to comprehensively examine the uncertainties, threats and vulnerabilities on water infrastructure and to implement the necessary adjustments as part of a proactive adaptive management program.

They can do it now. They can do it. This is the head of the Corps of Engineers. So they do not need this amendment.

Now, I wish to say this. We were supposed to have this vote at 5:30. It is now 10 after 6. I am prepared not to say anything else and to yield back the remainder of my time, if the Senator from Massachusetts will do the same thing.

Mr. KERRY. Mr. President, I would like to ask the Senator a question, if I may.

Mr. INHOFE. On your time, go ahead.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. On my time.

The Senator said he had a whole lot of peer-reviewed studies. I would ask the Senator a simple question: Does he have one peer-reviewed study that says conclusively global climate change is not happening as a consequence of human activity, and, No. 2, that it is not happening. Does he have a peer-reviewed study that says that?

Mr. INHOFE. Let me respond to that question. Of course I do not have that.

Mr. KERRY. That is what I said.

Mr. INHOFE. But I do have peer-reviewed studies that say specifically the amount of change that is attributable to human activity is so small it is not measurable, like .07 of 1 degree in 50 years. Now, that is significant. I have several peer-reviewed studies. I would be glad to respond to your question by reading those.

I have a peer-reviewed study published in the April 18, 2007, issue of the science journal *Geophysical Research Letters*, which found that if the world continues to warm, vertical wind shear—which literally tears apart storms—will also rise. These winds will decrease the number and severity of storms we would otherwise have.

Mr. KERRY. Mr. President, may I interrupt my friend from Oklahoma and reclaim my time.

Mr. INHOFE. We have approximately 20 peer-reviewed studies.

The PRESIDING OFFICER. The Senator from Massachusetts controls the time at this point.

Mr. KERRY. Mr. President, again, the Senator is making my point. I conceded there are studies that will assert there is some change of a variation of what may or may not be happening but none that suggests it is not happening as a result of our activity or that it is not happening.

The Senator talks about this .07-of-a-degree change. What he says is a reduction. But what we are looking at is an automatic increase in rate of increase that is going to occur no matter what. So somebody can doubt whether you are going to have a reduction. That is not the point. The point is, there is

going to be a level of increase that goes up to a percentage which varies from about 2 degrees centigrade to 3 degrees centigrade, up to 7.7 degrees Fahrenheit. And .07 of a degree from that is not going to make a difference with respect to the fundamental issue of the Earth warming.

So again, let's debate apples and apples, not something else. I think that is important in this debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, at this time, if the Senator wants, we can yield back our time.

Mr. President, I yield back the remainder of my time.

Mr. KERRY. Mr. President, I yield my time, except for 1 minute for the chairman of the committee.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to talk about something else for a moment to let Senators know where we are. We have been working staff to staff. We are so close to completing this WRDA bill. Once we vote on this 60-vote issue, we are down to a few amendments. There is a managers' package that has been signed off on by the leaders of the committee. We would like to get that done.

What we want to say to colleagues on both sides is, if you want to participate in this bill, tonight would be the night to do it because we are wrapping this thing up tomorrow. Our hope is we can complete it. We have this managers' package. If you have something you need to say about this bill, if you have a last-minute amendment you want to show us, this would be the time, this would be the moment.

I would be happy to yield some time to my colleague if he wishes to make some comments.

Mr. INHOFE. No. Mr. President, I thank the chairman of the committee and the manager of this bill. Let me say I agree with everything the Senator said. I thought we were going to finish it tonight, but if it is tomorrow, it is tomorrow. It is too significant not to finish it.

I appreciate the Senator from Massachusetts joining me in yielding back the remainder of our time. We are going to be ready to take a vote here shortly.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1094.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 42, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—51

Akaka	Feinstein	Mikulski
Bayh	Gregg	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Kennedy	Reed
Cantwell	Kerry	Reid
Cardin	Klobuchar	Sanders
Carper	Kohl	Schumer
Casey	Landrieu	Smith
Clinton	Lautenberg	Snowe
Coleman	Leahy	Specter
Collins	Levin	Stabenow
Dodd	Lieberman	Sununu
Domenici	Lincoln	Tester
Dorgan	Lugar	Warner
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden

NAYS—42

Alexander	Craig	McConnell
Allard	Crapo	Murkowski
Baucus	Ensign	Nelson (NE)
Bennett	Enzi	Pryor
Bond	Graham	Roberts
Bunning	Grassley	Salazar
Burr	Hagel	Sessions
Byrd	Hatch	Shelby
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Thomas
Cochran	Isakson	Thune
Conrad	Kyl	Vitter
Corker	Lott	Voinovich
Cornyn	Martinez	Webb

NOT VOTING—7

Brown	Dole	Rockefeller
Brownback	Johnson	
DeMint	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 42.

Under the previous order, requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

Mr. REID. Mr. President, with the concurrence of the Republican leader, I now ask that the Senate turn to the consideration of H. R. 2206.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H. R. 2206) making emergency supplemental appropriations and additional supplemental appropriations for agriculture and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 1123

Mr. REID. Mr. President, on behalf of Senator REID and Senator MCCONNELL, I send a substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. MCCONNELL, proposes an amendment numbered 1123.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions)

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring)

That it is the Sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1124 TO AMENDMENT NO. 1123

Mr. REID. Mr. President, I call up an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. MCCONNELL, proposes an amendment numbered 1124 to amendment No. 1123.

The amendment is as follows:

(Purpose: Expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions)

In the amendment strike all after the first word and insert the following: under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring),

That it is the sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 1 day after the date of enactment.

Mr. REID. Mr. President, I ask that it be reflected that this amendment is on behalf of Senator REID and Senator MCCONNELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1125 TO AMENDMENT NO. 1124

Mr. REID. Mr. President, I call up a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1125 to amendment No. 1124.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions)

The President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring),

That it is the Sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 2 days after date of enactment.

MOTION TO COMMIT

Mr. REID. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit H.R. 2206 to the Committee on Appropriations with instructions to report back forthwith with the following amendment numbered 1126.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 1126

(Purpose: Expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions)

Strike all after the first word and insert the following:

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring),

That it is the Sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 5 days after date of enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1127 TO THE INSTRUCTIONS OF THE MOTION TO COMMIT

Mr. REID. Mr. President, I send an amendment to the motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1127 to the instructions of the motion to commit H.R. 2206.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions)

In the amendment strike all after Congress in line 1 and insert the following:

“have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

“Since when the Armed Forces are deployed in harm’s way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

“Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

“Determined by the Senate (the House of Representatives concurring),

“That it is the sense of Congress that—

“(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

“(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

“(3) the President and Congress should—

“(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

“(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.”

This section shall take effect 4 days after the date of enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1128 TO AMENDMENT NO. 1127

Mr. REID. Mr. President, I now send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1128 to amendment No. 1127.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions)

At the end of the amendment add the following:

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm’s way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring),

That it is the Sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 3 days after date of enactment.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid-McConnell amendment No. 1123 relating to Iraq to H.R. 2206, the Emergency Supplemental Appropriations Act.

Harry Reid, Debbie Stabenow, Daniel K. Inouye, Jon Tester, Bill Nelson (FL), Jeff Bingaman, Barbara Boxer, Patty Murray, Frank R. Lautenberg, Benjamin L. Cardin, Tom Carper, Charles Schumer, Maria Cantwell, Carl Levin, Daniel K. Akaka, Ted Kennedy, Amy Klobuchar.

CLOTURE MOTION

Mr. REID. Mr. President, I send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 146, H.R. 2206, the Emergency Supplemental Appropriations Act.

Harry Reid, Barbara Boxer, Jeff Bingaman, Patty Murray, Patrick Leahy, Carl Levin, Dianne Feinstein, Daniel K. Inouye, Byron L. Dorgan, Benjamin L. Cardin, Max Baucus, Bill Nelson (FL), Charles Schumer, Debbie Stabenow, Richard J. Durbin, Daniel K. Akaka, Jack Reed.

Mr. REID. Mr. President, I now ask unanimous consent that the cloture vote on the Reid-McConnell amendment to H.R. 2206 occur on Thursday 1 hour after the Senate convenes and notwithstanding the provisions of rule XXII, and that if cloture is invoked, the Senate remain on H.R. 2206 until it is disposed of, notwithstanding the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader.

Mr. McCONNELL. Mr. President, let me for my side of the aisle describe what we have just done. Senator REID and I have entered into an agreement, which I previously described to my conference, under which we will be able to smooth the passage of the supplemental appropriations bill into conference. The majority leader, with my concurrence, has filled up the tree and filed cloture. This should give us an opportunity Thursday afternoon on a broad bipartisan basis to move this troop funding bill into conference where we will continue our discussions.

The majority leader and I have had several meetings with the President’s designee, Chief of Staff Josh Bolten, and we will have additional meetings—as well as with House Democrats and Republicans—and hopefully achieve what I think we all want to achieve at this point, which is a signed troop funding bill before Memorial Day.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the Republican leader and I have worked very closely in the past week or two on the process we are following this evening. We both agree it is imperative that we get to conference with the House as quickly as possible, and adoption of the Murray amendment, which is the amendment which was offered here, will allow us to do just that. This is a procedural step.

We are anxious to get to conference to work with the President’s Chief of Staff Josh Bolten. He has been available any time we have asked for his presence. He realizes there is going to have to be some serious negotiations. We also understand that it is not just the Senate. The House has to be involved in these negotiations, and we

certainly understand that and Mr. Bolton understands that.

We have a long way to go, but this was a tremendous step forward. We may disagree on a lot of issues dealing with the policy in Iraq, but the one point on which we agree—both Democrats and Republicans—is that the troops must have everything they need and more, and we are going to make sure that is the case.

The Republican leader and I agree, and I have spoken with the Speaker of the House at 5 o'clock today, and she agrees with me, that we are going to finish this bill and this conference report prior to our leaving for the Memorial Day recess. Everyone should rest assured we are going to do that. I hope we can do that without causing a lot of discomfort to Senators and Members of the House if we finish this bill at a reasonable time a week from Thursday or Friday, but if we can't, we are going no place until we finish this legislation and it gets to the President's desk.

The PRESIDING OFFICER. The Senator from California.

CONCLUSION OF WRDA

Mrs. BOXER. Mr. President, I want to take less than a minute to tell colleagues where we are. I thank the majority leader for his assistance on the WRDA bill. Our understanding is that we have a managers' package with several amendments. There may be only one or two that are contentious. Our goal for tomorrow, once we complete the Iraq votes, is to go to the managers' package without the contentious one or two amendments in it. By the way, I don't think any of them are contentious, but one Senator is saying they are.

We will adopt that managers' package hopefully by a voice vote, and then if it is necessary to have a recorded vote on these one or two additional amendments, we will do that and then move to final passage of WRDA, something we can be very proud of after 7 long years of not having a bill.

I thank my colleagues in advance for their cooperation.

To the Senator who may have a problem with one or two of these amendments, please take another hard look because they are noncontroversial, and I hope that Senator can join with us. We can finish this bill tomorrow in the very early afternoon or the late morning, and both sides can be very proud.

Again, this is a bill that is endorsed by just about everyone in the country.

I say to my colleagues, our intention is to conclude this bill tomorrow. Senator INHOFE and I are very strongly interested in concluding it tomorrow. The bipartisan members of the committee are very strongly interested.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard. The clerk will continue with the call of the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER RESOURCES DEVELOPMENT ACT—Continued

WARNER AMENDMENT NO. 1134

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate return to consideration of H.R. 1495.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I think we have just seen an extraordinary chapter of how two leaders can come together and structure a procedure by which this Senate can go forward and achieve its objectives. I am totally supportive of the procedure enunciated by our two distinguished leaders because I strongly support the need for getting this appropriations legislation through and on to the President's desk so that we can fund adequately our Armed Forces, particularly those engaged in Iraq and Afghanistan.

The leadership further decided that those Senators who wish to address the conferees could do so by adding amendments to this bill. My understanding is that there are two amendments that have been filed on the other side of the aisle: one by Mr. FEINGOLD and another by Mr. LEVIN. And in consultation with the distinguished Republican leader, I now file an amendment on this side of the aisle, although I am hopeful my amendment would not be viewed purely as a Republican amendment but that it could be a vehicle by which we can reach some level, hopefully a significant level, of bipartisan consensus on the several principles I have enunciated in this amendment.

Throughout the course of this debate on Iraq, since the President's announcement of a new strategy on January 10 of this year, there have been groups of Republicans and Democrats that have voiced our concerns about the strategies being employed in Iraq, and we continue to do so by virtue of this process now decided upon by the leadership whereby amendments to this bill can be brought up, which amendments reflect the sentiments of those who are sponsoring them.

At the present time, my amendment is sponsored by my principal cosponsor, the Senator from Maine, Ms. COLLINS, although I have been in consultation with a number of other Senators on this side of the aisle, as well as Senators on the other side of the aisle.

Given the brevity of the time today, since Senators have returned from

their constituencies largely this morning, and the fact that we have been trying to work out the procedure just adopted by the Senate by the two leaders, it has not been possible for me to isolate a fixed set of cosponsors. Nevertheless, I do know of a number, certainly on this side, and I am hopeful on the other side, and now that this amendment is filed tonight, it is my expectation and hope that Senators will be adding their names as cosponsors. I urge that be done at the earliest opportunity because, as I understand it, and the leadership will subsequently address, I think, the Senate tonight respecting the legislative program tomorrow as to when my amendment, with such cosponsors that are able to add their names, and the two amendments pending from the other side—and I believe a fourth that is to be brought up by our distinguished Republican leader sometime this evening—will be debated, voted upon, and subject to a cloture motion.

Let me now turn to addressing the specifics of this amendment at this time. This amendment, in its preamble, has the following: We entitle it the "President's Strategy In Iraq." Section 1. Findings regarding progress in Iraq, the establishment of benchmarks to measure that progress, and reports to the Congress.

The recitation in the first section of this amendment is a series of statements factually describing the situation as we, the sponsors of this amendment, feel have taken place, largely since January 10 of this year. Foremost among those obligations is, of course, our recognition of the enormity of the sacrifice of the men and women of the Armed Forces and their families and others who have taken an active role in carrying out our strategies in Iraq, not just since January 10 of this year but prior thereto, in the regrettably long period of time that this conflict in Iraq has persisted.

Following those statements, we then go to section 2, which is entitled, "Conditioning of Future United States Strategy in Iraq on the Iraqi Government's Record of Performance on its Benchmarks."

In General. The United States strategy in Iraq, hereafter, shall be conditioned on the Iraqi government meeting benchmarks as told to Members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the Iraqi Government's commitments to the United States, and to the international community, including . . .

For example, benchmarks—and I shall read but several. First and foremost:

Forming a Constitutional Review Committee and then completing the Constitutional review;

Enacting and implementing legislation on de-baathification;

Enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of

Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner.

Enacting and implementing legislation on procedures to form semi-autonomous regions;

Enacting and implementing legislation establishing an Independent High Electoral Commission; provincial elections law; provincial council authorities; and a date for provincial elections.

I shall not read further from this document. It will be a matter of record. But these benchmarks were ones put forth by the Iraqi Government, in large measure. What we are doing now is requiring the following:

The President shall submit reports to the Congress on how the sovereign government of Iraq is, or is not, achieving progress towards accomplishing the aforementioned benchmarks, and shall advise the Congress on how that assessment requires, or does not require, changes to the strategy announced on January 10, 2007.

Reports Required.

(1) The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress towards meeting these benchmarks is, or is not, being achieved.

(2) The President, having consulted with the Secretary of State, the Secretary of Defense, the Commander, Multi-National Forces-Iraq, the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit the report to Congress.

(3) If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group, as he deems appropriate.

And, as is well documented in the Senate, and well-respected, if I may say, by the Senate—the work of the Iraq Study Group.

(4) The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria outlined above.

(5) The reporting requirement detailed in section 1227 of the National Defense Authorization Act for Fiscal Year 2006 is hereby waived from the date of the enactment of this Act through the period ending September 15, 2007.

That is put in there for the reason that we believe these reports by the President will supplant whatever reports had been required by that act. The force and effect of the requirement for those reports will pick up and continue after September of this year.

(c) Testimony before Congress.

(1) Prior to the submission of the President's second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the Administration, the United States Ambassador to Iraq and the Commander, Multi-National Forces Iraq—

That is General Petraeus—

will be made available to testify in open and closed sessions before the relevant committees of the Congress.

I will now refer to the section titled "Limitations on Availability of Funds" in this appropriations bill.

Limitation. No funds appropriated or otherwise made available for the "Economic Support Fund" and available for Iraq may be obligated or expended unless and until the President of the United States certifies in the report outlined in subsection (2)(b)(1) above and makes a further certification in the report outlined in subsection (2)(b)(4) above that Iraq is making progress in each of the benchmarks set forth in section 2 above.

To give the President a certain amount of flexibility—and this is the provision I am particularly indebted to our distinguished colleague, Ms. COLLINS of Maine, who has worked with me on it, as well as Senator COLEMAN and others who have been working with me—we provide the following:

The President may waive the requirements of this section if he submits to Congress a written certification setting forth the detailed justification for the waiver, which shall include a detailed report describing the actions being taken by the United States to bring the Iraqi government into compliance with the benchmarks set forth in section 2 above. The certification shall be submitted in unclassified form, but may include a classified annex.

We proceed to a section entitled "Redeployment of U.S. Forces from Iraq." There has been considerable publicity attached to certain actions having been taken by the Council of Representatives in Iraq—that is their basic name for their parliament—and to clarify that we have put in the following requirement:

The President of the United States, in respecting the sovereign rights of the nation of Iraq, shall direct the orderly redeployment of elements of U.S. forces from Iraq, if the components of the Iraqi government, acting in strict accordance with their respective powers given by the Iraqi Constitution, reach a consensus as recited in a resolution, directing a redeployment of U.S. forces.

Now, proceeding to another section, "Independent Assessments."

Assessment by the Comptroller General.

Not later than September 1, 2007, the Comptroller general of the United States shall submit to Congress an independent report setting forth—

(A) the status of the achievement of the benchmarks specified in section 2 above; and

(B) the Comptroller General's assessment whether or not each such benchmark has [or has not] been met.

(b) Assessment of the capabilities of Iraq Security forces.

This is a section which I worked on, now, for over 2 months, laying a foundation, with consultations with the White House senior staff, the Secretary of Defense, and indeed a private organization here, a well-respected organization, independent of any affiliation with the Government, to participate in performing this report, as well as a very senior and highly respected retired military officer who, hopefully, will be designated to head up this report.

I believed it was imperative that the Congress needed to have an independent report, and by "independent," I mean a report performed by a private

sector entity with the advice and participation of at least one senior retired military officer, and maybe others, so that we can have a report to put side by side with the periodic evaluations of the Department of Defense as to the military—professional ability, capability, training, and equipment of the Iraqi security forces. That is essential. So that is the essence of this provision which I now read.

(1) In General.—There is hereby authorized to be appropriated for the Department of Defense, \$750,000, that the Department, in turn, will commission an independent private sector entity which operates as a 501(c)(3) with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(A) The readiness of the Iraqi security forces—ISF [referred to] to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12-18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(B) The training, equipping, command, control and intelligence capabilities and logistics capacity of the ISF [Iraqi Security Forces].

(C) The likelihood that given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued supports of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A).

(2) Report.—Not later than 120 days after the enactment of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations/International Relations, and Intelligence.

Having worked on this report some 2 months now, I submitted it to colleagues in the House of Representatives. I am pleased to say that those colleagues saw fit to include that basic language on reporting and establishing this independent entity and individuals to study the Iraqi security forces. This provision which I have just read was contained in the House appropriations bill. It is my hope and expectation that it will be included by this Senate, the appropriators, in their bill such that it will emerge as part of the final conference report of the House and the Senate.

I once again thank many individuals who have worked with me and their respective staffs, who worked beginning last week on the final draft. They worked over the weekend, worked on Monday, worked today to create this document. I am hopeful a good number of our colleagues will see fit to cosponsor this document, which document and amendment will be discussed tomorrow in such brief period as outlined by the leadership. They will define it tonight, and then it will be voted upon. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Ms. COLLINS, proposes an

amendment No. 1134 to the language proposed to be stricken by amendment No. 1065.

The amendment is as follows:

(Purpose: Relating to the President's strategy in Iraq)

TITLE—PRESIDENT'S STRATEGY IN IRAQ
SEC. 1. FINDINGS REGARDING PROGRESS IN IRAQ, THE ESTABLISHMENT OF BENCHMARKS TO MEASURE THAT PROGRESS, AND REPORTS TO CONGRESS.

(a) Congress makes the following findings:

(1) Over 145,000 American military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States armed forces, and are deserving of the strong support of all Americans;

(2) Many American service personnel have lost their lives, and many more have been wounded in Iraq; the American people will always honor their sacrifice and honor their families;

(3) The United States Army and Marine Corps, including their Reserve components and National Guard organizations, together with components of the other branches of the military, are performing their missions while under enormous strain from multiple, extended deployments to Iraq and Afghanistan. These deployments, and those that will follow, will have a lasting impact on future recruiting, retention, and readiness of our Nation's all volunteer force;

(4) Iraq is experiencing a deteriorating problem of sectarian and intrasectional violence based upon political distrust and cultural differences among factions of the Sunni and Shia populations;

(5) Iraqis must reach political and economic settlements in order to achieve reconciliation, for there is no military solution. The failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq;

(6) The responsibility for Iraq's internal security and halting sectarian violence rests with the sovereign Government of Iraq;

(7) In December 2006, the bipartisan Iraq Study Group issued a valuable report, suggesting a comprehensive strategy that includes new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq, that will enable the United States to begin to move its combat forces out of Iraq responsibly;

(8) The President said on January 10, 2007, that "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended" so as to dispel the contrary impression that exists;

(9) It is essential that the sovereign Government of Iraq set out measurable and achievable benchmarks and President Bush said, on January 10, 2007, that "America will change our approach to help the Iraqi government as it works to meet these benchmarks";

(10) As reported by Secretary of State Rice, Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006 that were (a) reaffirmed by Iraq's Presidency Council on October 6, 2006; (b) referenced by the Iraq Study Group; and (c) posted on the President of Iraq's Web site;

(11) On April 21, 2007, Secretary of Defense Robert Gates stated that "our [American] commitment to Iraq is long-term, but it is not a commitment to have our young men and women patrolling Iraq's streets open-endedly" and that "progress in reconciliation will be an important element of our evaluation";

(12) The President's January 10, 2007 address had three components: political, military, and economic. Given that significant time has passed since his statement, and recognizing the overall situation is ever changing, Congress must have timely reports to evaluate and execute its Constitutional oversight responsibilities.

SEC. 2. CONDITIONING OF FUTURE UNITED STATES STRATEGY IN IRAQ ON THE IRAQI GOVERNMENT'S RECORD OF PERFORMANCE ON ITS BENCHMARKS.

(a) IN GENERAL.—(1) The United States strategy in Iraq, hereafter, shall be conditioned on the Iraqi government meeting benchmarks, as told to members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the Iraqi Government's commitments to the United States, and to the international community, including:

(A) Forming a Constitutional Review Committee and then completing the Constitutional review;

(B) Enacting and implementing legislation on de-Baathification;

(C) Enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner;

(D) Enacting and implementing legislation on procedures to form semi-autonomous regions;

(E) Enacting and implementing legislation establishing an Independent High Electoral Commission; provincial elections law; provincial council authorities; and a date for provincial elections;

(F) Enacting and implementing legislation addressing amnesty;

(G) Enacting and implementing legislation establishing a strong militia disarmament program to ensure that such security forces are accountable only to the central government and loyal to the Constitution of Iraq;

(H) Establishing supporting political, media, economic, and services committees in support of the Baghdad Security Plan;

(I) Providing three trained and ready Iraqi brigades to support Baghdad operations;

(J) Providing Iraqi commanders with all authorities to execute this plan and to make tactical and operational decisions, in consultation with U.S. commanders, without political intervention, to include the authority to pursue all extremists, including Sunni insurgents and Shiite militias;

(K) Ensuring that the Iraqi Security Forces are providing even handed enforcement of the law;

(L) Ensuring that, according to President Bush, Prime Minister Maliki said "the Baghdad security plan will not provide a safe haven for any outlaws, regardless of [their] sectarian or political affiliation";

(M) Reducing the level of sectarian violence in Iraq and eliminating militia control of local security;

(N) Establishing all of the planned joint security stations in neighborhoods across Baghdad;

(O) Increasing the number of Iraqi security forces units capable of operating independently;

(P) Ensuring that the rights of minority political parties in the Iraqi legislature are protected;

(Q) Allocating and spending \$10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis; and

(R) Ensuring that Iraq's political authorities are not undermining or making false accusations against members of the ISF.

(2) The President shall submit reports to Congress on how the sovereign Government of Iraq is, or is not, achieving progress towards accomplishing the aforementioned benchmarks, and shall advise the Congress on how that assessment requires, or does not require, changes to the strategy announced on January 10, 2007.

(b) REPORTS REQUIRED.—

(1) The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress toward meeting these benchmarks is, or is not, being achieved.

(2) The President, having consulted with the Secretary of State, The Secretary of Defense, The Commander, Multi-National Forces-Iraq, the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit the report to Congress.

(3) If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group, as he deems appropriate.

(4) The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria, outlined above.

(5) The reporting requirement detailed in Section 1227 of the National Defense Authorization Act for Fiscal Year 2006 is waived from the date of the enactment of this Act through the period ending 15 September, 2007.

(c) TESTIMONY BEFORE CONGRESS.—

(1) Prior to the submission of the President's second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the Administration, the United States Ambassador to Iraq and the Commander, Multi-National Forces Iraq will be made available to testify in open and closed sessions before the relevant committees of the Congress.

SEC. 3. LIMITATIONS ON AVAILABILITY OF FUNDS

(a) LIMITATION.—No funds appropriated or otherwise made available for the "Economic Support Fund" and available for Iraq may be obligated or expended unless and until the President of the United States certifies in the report outlined in subsection (2)(b)(1) above and makes a further certification in the report outlined in subsection (2)(b)(4) above that Iraq is making progress on each of the benchmarks set forth in Section 2 above.

(b) WAIVER AUTHORITY.—The President may waive the requirements of this section if he submits to Congress a written certification setting forth a detailed justification for the waiver, which shall include a detailed report describing the actions being taken by the United States to bring the Iraqi government into compliance with the benchmarks set forth in Section 2 above. The certification shall be submitted in unclassified form, but may include a classified annex.

SEC. 4. REDEPLOYMENT OF U.S. FORCES FROM IRAQ.

(a) The President of the United States, in respecting the sovereign rights of the nation of Iraq, shall direct the orderly redeployment of elements of U.S. forces from Iraq, if

the components of the Iraqi government, acting in strict accordance with their respective powers given by the Iraqi Constitution, reach a consensus as recited in a resolution, directing a redeployment of U.S. forces.

SEC. 5. INDEPENDENT ASSESSMENTS.

(a) Assessment by the Comptroller General.

(1) Not later than September 1, 2007, the Comptroller General of the United States shall submit to Congress an independent report setting forth—

(A) the status of the achievement of the benchmarks specified in Section 2 above; and

(B) the Comptroller General's assessment whether or not each such benchmark has been met.

(b) Assessment of the Capabilities of Iraqi Security Forces.

(1) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Defense, \$750,000,000, that the Department, in turn, will commission an independent, private sector entity, which operates as a 501(c)(3), with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(A) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12–18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(B) The training, equipping, command, control and intelligence capabilities, and logistics capacity of the ISF.

(C) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A).

(2) REPORT.—Not later than 120 days after the enactment of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations/International Relations, and Intelligence.

Mr. WARNER. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the pending business now before the Senate?

The PRESIDING OFFICER. The Warner amendment No. 1134 is the pending business.

Mr. REID. Mr. President, it is my understanding we are on WRDA, then, H.R. 1495?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, May 16, when the Senate resumes consideration of H.R. 1495, the time until 10:30 a.m. be for debate prior to the votes on the motions to invoke cloture on the

following amendments: Feingold second-degree amendment No. 1098, Levin amendment No. 1097, Warner amendment No. 1134, and the Cochran amendment No. 1135, with the time equally divided and controlled between the majority and Republican leaders or their designees; that the votes occur in the order listed above; and that there be 2 minutes of debate prior to each vote, equally divided and controlled, and that each vote in this sequence after the first be limited to 10 minutes; that if cloture is not invoked, then the amendment be withdrawn; that no other amendments be in order prior to the cloture votes; and that second-degree amendments may be filed until 9:30 a.m.; further, that the mandatory quorums, as required under rule XXII, be waived with respect to the cloture motions covered under this agreement; further, that the 20 minutes immediately prior to the first vote be under the control of the majority and Republican leaders, with the time equally divided, with the majority leader controlling the final 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I now ask unanimous consent that upon disposition of the amendments covered under this agreement, the Senate resume debate on the motion to proceed to S. 1348, comprehensive immigration legislation, with the time until 2 p.m. for debate prior to a vote on the motion to invoke cloture on the motion to proceed—Mr. President, I withdraw this aspect of the consent request at this time, and stop where I was where there was no objection.

The PRESIDING OFFICER. It is withdrawn.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Feingold amendment No. 1098 to amendment No. 1097 to H.R. 1495, the Water Resources Development Act.

Russell D. Feingold, Harry Reid, Barbara Boxer, Amy Klobuchar, Sheldon Whitehouse, Ted Kennedy, Patty Murray, Richard J. Durbin, Bernard Sanders, Daniel K. Inouye, Christopher S. Dodd, Ron Wyden, John Kerry, Debbie Stabenow, Ben Cardin, Jim Webb, Charles Schumer, Tom Harkin.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the Levin amendment No. 1097 to H.R. 1495, the Water Resources Development Act.

Carl Levin, Harry Reid, Barbara Boxer, Amy Klobuchar, Sheldon Whitehouse, Ted Kennedy, Patty Murray, Richard J. Durbin, Jon Tester, Max Baucus, Tom Carper, Daniel K. Inouye, Ben Nelson, Ron Wyden, Debbie Stabenow, Byron L. Dorgan, Claire McCaskill.

AMENDMENT NO. 1135

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the pending amendment to the bill be set aside, and on behalf of Senator COCHRAN, I call up an amendment to the bill, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. COCHRAN, Mr. WARNER, and Mr. BOND, proposes an amendment numbered 1135.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress must send to the President acceptable legislation to continue funds for Operation Iraqi Freedom and Operation Enduring Freedom by not later than May 28, 2007)

At the appropriate place, insert the following:

SEC. ____ SENSE OF THE SENATE ON FUNDING FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) FINDINGS.—The Senate makes the following findings:

(1) The President is the commander in chief of the United States Armed Forces.

(2) The United States Armed Forces are currently engaged in military operations in Operation Iraqi Freedom and Operation Enduring Freedom on behalf of the national security interests of the United States.

(3) The funds previously appropriated to continue military operations in Operation Iraqi Freedom and Operation Enduring Freedom are depleted.

(4) The President requested more than 100 days ago supplemental appropriations to continue funding for Operation Iraqi Freedom and Operation Enduring Freedom.

(5) Congress has not passed a supplemental appropriations bill to continue funding for Operation Iraqi Freedom and Operation Enduring Freedom in a manner that the commander in chief believes gives the United States Armed Forces and the Iraqi people the best chance to succeed at establishing a safe, stable, and sustainable democracy in Iraq.

(6) A supplemental appropriations request to fund ongoing combat operations in Operation Iraqi Freedom and Operation Enduring Freedom should remain focused on the war effort by providing the resources necessary for United States troops abroad and in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should send legislation to the President providing appropriations for Operation Iraqi Freedom and Operation Enduring Freedom in a manner that the President can sign into law by not later than May 28, 2007.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I now send a cloture motion to the pending Warner amendment to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Warner amendment No. 1134 to H.R. 1495, the Water Resources Development Act of 2007.

Mitch McConnell, Judd Gregg, Richard Burr, Mike Crapo, John Cornyn, Lisa Murkowski, Susan M. Collins, John Warner, Orrin G. Hatch, Craig Thomas, Larry E. Craig, John E. Sununu, Pete V. Domenici, James M. Inhofe, Trent Lott, John Thune, Christopher S. Bond.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk to the Cochran amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Cochran amendment No. 1135 to H.R. 1495, the Water Resources Development Act of 2007.

Mitch McConnell, John Cornyn, Pete V. Domenici, Johnny Isakson, James M. Inhofe, Craig Thomas, Trent Lott, John E. Sununu, John Thune, Thad Cochran, Christopher S. Bond, Norm Coleman, John Warner, Richard G. Lugar, Jeff Sessions, Orrin G. Hatch, Gordon H. Smith.

SECTIONS 2006, 2007, AND 2008

Mr. FEINGOLD. Mr. President, I would like to engage the distinguished chairman from California and the distinguished majority leader in a colloquy with respect to the provisions in section 2006, 2007, and 2008 (c) and (e) of the Water Resources Development Act of 2007, S.1248.

Mrs. BOXER. I would be happy to respond to the Senator from Wisconsin.

Mr. REID. I, too, am happy to engage in a colloquy with the Senator from Wisconsin.

Mr. FEINGOLD. I appreciate the efforts and success of the chairman and the Environment and Public Works Committee in reporting a Water Resources Development Act that includes many important Corps of Engineers reforms. I would simply like to clarify that it is the intent of the committee and of the majority leader that these provisions be retained through conference and enacted into law. These provisions should be the minimum reforms coming out of conference.

Mrs. BOXER. I concur that this is the committee's intent.

Mr. REID. I support the understanding reached by the chairman and the Senator from Wisconsin.

Mr. FEINGOLD. I would like to point out some of the critical elements to ensuring meaningful independent review of Corps of Engineers water resources projects that are contained in section 2007 of S.1248. Section 2007 is the same language that was adopted on the Senate floor during last summer's consideration of the Water Resources Development Act of 2006. Though the House of Representatives has an independent review provision in their bill, there are several important distinctions between the House and the Senate provisions.

The Senate provision houses responsibility for independent review in the Office of the Secretary of the Army and makes independent review mandatory for any project meeting the review triggers. The mandatory review triggers and placement of responsibility for carrying out independent reviews outside the Office of the Chief of Engineers are essential for ensuring full independence of the review process. The Senate provision gives the independent review panels the ability to review those issues deemed significant by the panel. This is essential for ensuring that all relevant study issues are examined by the panel. The House of Representatives provision gives the Chief of Engineers essentially unlimited authority to restrict the scope of a panel's review. The Senate provision places limits on the Corps' ability to ignore panel recommendations by requiring the Secretary of the Army to provide a written explanation regarding the rejection of any panel recommendations and by requiring the Corps to prove why it is appropriate to reject a panel's recommendation in any lawsuit that might be brought to challenge the project. The Senate bill does not create a new cause of action. This is essential for ensuring that the findings of an independent review panel are given appropriate consideration by the Corps of Engineers. In addition, the Senate provision establishes a critical safety assurance review of the detailed technical design of vital flood control projects. The House language does not include this essential provision.

Importantly, the Senate provision ensures that the independent review panel will review the draft study released for public comment and will have the benefit of public comment to help guide their review. The House bill in general requires that independent review be complete before there is a draft study for review. That would limit a fundamental purpose of independent review, which is to ensure review of draft studies and limit public participation in the independent review process.

I ask my colleagues to concur with the importance of retaining these critical elements of independent review contained in Section 2007.

Mrs. BOXER. I concur that these are fundamental elements of meaningful independent review and concur that it is the committee's intent to retain these elements and that we will strenuously support them in the conference.

Mr. REID. I support the understanding reached by the chairman and the Senator from Wisconsin.

Mr. FEINGOLD. Mitigation for Corps of Engineers civil works projects is another important area that must be improved. Despite the clear mitigation requirements established for water resources projects in the Water Resources Development Act of 1986, the Government Accountability Office reported in 2002 that the Corps of Engineers does not mitigate at all for almost 70 percent of its projects. To help address this problem, the Senate provision requires the Secretary to ensure that mitigation for water resources projects complies fully with the mitigation standards and policies established pursuant to section 404 of the Federal Water Pollution Control Act, 33 U.S.C. 1344. This will help protect the environment and is consistent with the fundamental principal that we will hold the Federal Government to the same environmental criteria as private enterprise.

In addition, in order to ensure that mitigation produces the same or greater ecosystem values as those lost to a water resources project, the Senate provision requires that the Corps of Engineers implement not less than in-kind mitigation. To ensure that mitigation will be effective, the Senate bill requires the preparation of detailed mitigation plans, requires that mitigation be monitored until ecological success criteria are met, and requires the Corps of Engineers to consult yearly with applicable Federal and State agencies on the status of individual mitigation efforts. The Senate provision applies the new mitigation standards to projects that the Corps of Engineers has determined must be reevaluated for other reasons. The Senate provision also requires the Corps to establish a publicly accessible mitigation tracking system.

The language of sections 2008(c) and (e) obtained bipartisan support from the Environment and Public Works Committee last Congress and was included in the Senate Water Resources Development Act of 2006.

I ask my colleagues to concur with the importance of retaining these key elements of mitigation reform contained in section 2008(c) and (e).

Mrs. BOXER. I concur that these are fundamental elements of meaningful mitigation reform and concur that it is the committee's intent to retain these elements and that we will strenuously support them in the conference.

Mr. REID. I support the understanding reached by the chairman and the Senator from Wisconsin.

Mr. FEINGOLD. Lastly, section 2006 of S. 1248 would update the Corps' woefully out-of-date Principles and Guidelines, P&G, and related planning documents by establishing a Cabinet-level interagency working group to revise the guidelines and regulations and circulars, which have not been revised since their inception in 1983. Numerous

studies have called for updating the Corps' planning guidelines to provide an increased focus on protecting and restoring the environment and to modernize and incorporate new methods and more cost-effective approaches to solving water problems. More than a decade of reports from the National Academy of Sciences, Government Accountability Office, Army inspector general, U.S. Commission on Ocean Policy, and independent experts have revealed a pattern of stunning flaws in U.S. Army Corps of Engineers project planning and implementation and urged substantial changes to the Corps' project planning process. The most recent call for revising the Corps' planning guidelines came just 2 months ago from the National Academy of Public Administration.

These flaws have increased taxpayer costs and environmental degradation with antiquated economic analysis of projects and in some cases overly structural projects. It is vital that these planning guidelines be modernized so that they no longer promote projects that destroy healthy natural ecosystems and lure development in high risk areas. It is also essential that the provision to require the Corps to adopt those revisions, subject to public comment, be retained.

The language of section 2006 obtained bipartisan support from the Environment and Public Works Committee last Congress and was included in the Senate Water Resources Development Act of 2006.

I ask my colleagues to concur with the importance of retaining these elements.

Mrs. BOXER. I concur that these are fundamental elements of meaningful reform of the Corps of Engineers planning guidelines and concur that it is the committee's intent to retain these elements and that we will strenuously support them in the conference.

Mr. REID. I support the understanding reached by the chairman and the Senator from Wisconsin.

Mr. FEINGOLD. I thank the chairman and the majority leader for engaging in this colloquy. Instituting meaningful reforms to the Corps of Engineers' planning process is essential for protecting public safety, the environment, and the taxpayers. I remain committed to ensuring that meaningful reforms are included in the next Water Resources Development Act that is enacted into law. I thank the chairman and the majority leader for their commitment as well.

MIDDLE CREEK PROJECT

Mr. REID. Mr. President, I thank Chairman BOXER and the Committee on Environment and Public Works for their hard work on S. 1248, the Water Resources Development Act of 2007 and the bill currently being considered by the Senate, H.R. 1495. The bill represents years of negotiations by her, members of the committee, and staff, and I appreciate her leadership in bringing a bill forward for this body's consideration.

Mrs. BOXER. Mr. President, I thank the leader for his comments. I appreciate the leader's continued support for this reauthorizing legislation and the authorization of the new projects for navigation, flood and coastal storm damage reduction, ecosystem restoration and environmental remediation, and water storage and water quality.

Mr. REID. Mr. President, I generally support this bill and understand that many of the projects are necessary to improve and maintain safe communities. But I am concerned about the effects of one project on Indian lands.

Both S. 1248 and H.R. 1495 include authorizing language for a flood damage reduction and environmental restoration project on Middle Creek, located in Lake County, CA. I certainly defer to the U.S. Army Corps of Engineers and the California congressional delegation as to the project's importance and the most appropriate plan to implement it, but would my friend from California describe the impact of the project on Indian lands in the area?

Mrs. BOXER. Mr. Leader, the Middle Creek Project will restore lands within the Middle Creek floodplain and study area. I believe the project will reconnect the floodplain of Middle Creek to the historic Robinson Lake wetland area by breaching the existing levee system and creating inlets that direct flows into the study area. The restoration will provide flood damage reduction by relocating residents of the Robinson Rancheria from the floodplain.

Mr. REID. Madam Chairman, I understand the Rancheria's current casino will not be affected by this project if implemented—that the Rancheria could continue, if it chooses, to operate this casino once the project is completed. Is this correct?

Mrs. BOXER. Mr. Leader, that is correct.

Mr. REID. Madam Chairman, I understand that neither the Senate nor the House bill authorizes the Secretary of the Interior to take land into trust for purposes of gaming on behalf of the Rancheria?

Mrs. BOXER. Mr. Leader, the bill under consideration would authorize the Middle Creek Project. The bill does not expressly authorize the United States to take land into trust for the Rancheria.

Mr. REID. Thank you for that clarification. Madam Chairman, in Senate Report 110-58, the committee recommends that, in exchange for the existing reservation lands that would be included in the floodplain, the Secretary of the Interior accept three parcels of land into trust for the benefit of the Rancheria. Would you describe these parcels and their location in relation to the Rancheria's current reservation boundaries?

Mrs. BOXER. Mr. President, I appreciate the interest of the Senator from Nevada in the effect of this project on the Rancheria. Since 1981, the Secretary of the Interior has held 37 acres in trust on behalf of the Rancheria.

The parcels discussed in the committee report are currently owned by the Rancheria and are very close to their current reservation boundary. Two of the three parcels are along the Clear Lake shoreline. The committee believed it was appropriate to compensate the Rancheria by allowing them to add to their reservation lands that are approximately 1 mile away from their current reservation boundary and which the tribe already owns.

Mr. REID. Mr. President, I thank my friend from California for describing the lands. While neither the House nor Senate bills would authorize the Secretary to take the transferred lands into trust as "restored lands" for the purpose of the Indian Gaming Regulatory Act, the report recommends the Secretary do so.

I understand the Rancheria can continue to operate its on-reservation casino should this project be implemented, and I do not oppose the Rancheria's right to do so because these lands are located within its traditional reservation boundary and were taken into trust before the enactment of the Indian Gaming Regulatory Act, IGRA, thus the casino was opened consistent with the requirements of IGRA. But as you know, I have long opposed off-reservation gaming, and while I understand that neither bill would authorize gaming on the transferred parcels, I do not support the committee's recommendation that the Secretary declare these parcels "restored lands." As we know, should the Secretary declare the parcels as "restored lands," the Rancheria would be allowed to conduct gaming on lands deemed outside of its reservation boundary and on lands acquired after enactment of the Indian Gaming Regulatory Act. I note that report language does not have the same legal status as legislative language.

Mrs. BOXER. Mr. President, the California delegation strongly supports the projects included in S. 1248. I hear the majority leader's concerns. Being chair of the committee, I, of course, support the language in the committee's recommendation with respect to the land transfer for the Robinson Rancheria, should the bill be enacted. While I may disagree with the leader's position as it concerns this particular project, I appreciate his comments and support for the legislation as a whole.

Mr. REID. Mr. President, I appreciate the clarifications and explanations that my friend from California has provided.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PEACE OFFICERS
MEMORIAL DAY

Mr. LEAHY. Mr. President, today marks the 26th year that peace officers from around the country have gathered in the Nation's Capital to participate in the National Peace Officers Memorial Day Service. Every year, Peace Officers Memorial Day offers the people of the United States, in their communities, in their State capitals, and in the Nation's Capital, the opportunity to honor and reflect on the extraordinary service and sacrifice given year after year by our police forces. I welcome the visiting peace officers and their family members who are gathered in Washington today as we honor their services and those lost this past year.

Earlier this month, the Senate passed a resolution marking today National Peace Officers Memorial Day. This is now the 11th year running that I have sponsored this resolution to honor the sacrifice and commitment of those law enforcement officers who give their lives serving their communities. Senator SPECTER, himself a former prosecutor, former chairman of the Judiciary Committee, and now our ranking member, was the lead Republican sponsor of this bipartisan measure this year. I thank the majority leader, himself a former police officer, and all Senators for their support in recognizing the sacrifices that law enforcement officers make each day for the American people.

Currently, more than 900,000 men and women who guard our communities do so at great risk. After the hijacked planes hit the World Trade Center in New York City on September 11, 2001, 72 peace officers died while trying to ensure that their fellow citizens in those buildings got to safety. That act of terrorism resulted in the highest number of peace officers ever killed in a single incident in the history of our country and is a tragic reminder of how important it is for the Congress to provide all of the resources necessary to protect officers in the line of duty.

Since the first recorded police death in 1792, there have been more than 17,900 law enforcement officers who have made the ultimate sacrifice. We are fortunate in Vermont that we rank as the State with the fewest officer deaths. With 19 deaths, however, that is, of course, 19 deaths too many.

In 2006, 145 law enforcement officers died while serving in the line of duty, below the decade-long average of 165 deaths annually and a drop from 2005 when 156 officers were killed. That is still 145 officers too many. We need to

continue our support for better equipment and the increased use of bullet-resistant vests, improved training, and advanced emergency medical care. I hope as the 110th Congress moves forward that all Senators can work together to ensure that all of our law enforcement officers and their families have the full support and the resources they need from the Federal Government.

I have been working to help make it safer on the beat for our officers. Back in 1998, Senator Campbell and I authored the Bulletproof Vest Grant Partnership Act, in part a response to the tragic Carl Drega shootout on the Vermont-New Hampshire border in which two State troopers who lacked bulletproof vests were killed. Since then, we have successfully reauthorized this program three times: In the Bulletproof Vest Partnership Grant Act of 2000, in the State Justice Institute Reauthorization Act of 2004, and most recently as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005. It is now authorized at \$50 million per year through fiscal year 2009 to help State, tribal, and local jurisdictions purchase armor vests for use by law enforcement officers. Senator SPECTER and I joined together to send a letter to other Senators last week to make sure that the Bulletproof Vest Partnership Grant Program is fully funded this year. Bulletproof vests have saved the lives of thousands of officers and are a fundamental line of defense that no officer should be without. It is crucial that Congress provide the full funding authorized to the Bulletproof Vest Partnership Program. Hundreds of thousands of police officers and local jurisdictions are counting on us.

I am disappointed that not all of Congress's actions to protect and help our law enforcement officers are implemented by this administration. President Bush has repeatedly proposed drastic cuts to the bulletproof vest initiative and other grant programs that directly assist State and local law enforcement. The Bush administration has spent more than \$400 billion on a failed policy in Iraq, and yet the President continues to propose cuts in funding for programs here in the United States for first responders who protect our Nation's communities.

I will mention one other important example of a law I sponsored and helped pass in 2003, the Hometown Heroes Survivors Benefit Act. This important, bipartisan legislation reflects the belief of Congress that the families of firefighters, law enforcement officers, and other first responders should be cared for when a public safety officer dies of a heart attack or stroke in the line of duty. To date, the Department of Justice has made only two positive determinations from the more than 230 applications it has received. It is inexcusable that the Department of Justice appears to be interpreting this law as narrowly as possible and is denying and

delaying so many of these claims. Congress and the American people want to see fair and equitable treatment for the families of the brave individuals who lose their lives in the line of duty, not foot-dragging and excuses from the Justice Department.

We can all agree that the men and women in law enforcement who have sacrificed for our safety deserve our deep gratitude and respect. National Peace Officers Memorial Day recognizes real-life heroes. Our Nation's law enforcement officers deserve our commitment to provide for those who help keep us all safe. I support and respect our State and local police officers and all of our first responders and am proud to recognize their role in upholding the rule of law and keeping our Nation safe and secure.

FEDERAL CRACK COCAINE
SENTENCING POLICY

Mr. LEAHY. Mr. President, today, the U.S. Sentencing Commission took another important step in addressing the wide disparity in our Federal cocaine sentencing laws.

The Commission released its fourth report to Congress in 12 years that, once again, provides a comprehensive review of our cocaine policies, and recommendations about how those policies can be improved. Almost 3 weeks ago, the Commission recommended to Congress a change in the Sentencing Guidelines that would lower the offense level for crack offenders across the board. Both of these actions are positive steps, but real progress in this area requires congressional action.

Under current law, an offender apprehended with 5 grams of crack cocaine faces the same 5 year mandatory minimum sentence as an offender with 500 grams of powder cocaine—that is the same sentence for 100 times more powder cocaine. In 2000, the average sentence for a crack cocaine defendant was nearly 4 years longer than the average sentence for a powder cocaine defendant.

Last week, the Commission announced it will issue a guideline change that lowers the offense level for crack offenders by 2 points across the board. As a result, 75 percent of Federal crack offenders will have their sentences reduced by approximately 16 months. This change represents a step in the right direction.

For far too long, the Federal crack-powder sentencing laws have created an injustice in our Nation. Over 20 years now, Congress has silently stood by as this policy swelled our prisons, disproportionately impacted African Americans, and misdirected precious Federal resources on low-level street dealers rather than on the worst offenders—drug kingpins who bring crack into our neighborhoods. Twenty years of irresponsible policy is enough.

I hope the Commission's report and recommendations will serve as a roadmap for the 110th Congress. Americans

deserve a Congress that will make Federal drug laws fair and proportional. We can, and should, fix this injustice on a bipartisan basis. It is time to act.

HONORING THE LATE SENATOR THOMAS J. DODD

Mr. LIEBERMAN. Mr. President, I rise today to honor Thomas J. Dodd, the former Senator of the great State of Connecticut. As his son, my senior Senator, CHRIS DODD, said earlier, Thomas Dodd would have turned 100 years old today. He was a public servant of the highest order, working in an astounding number of capacities throughout his life. After graduating from Yale Law School, he became a special agent with the FBI, and eventually became an assistant for five Attorney Generals of the United States. In this capacity, Thomas Dodd played a key role in establishing the first civil rights division of the Justice Department.

Upon leaving the Justice Department, Senator Dodd became the U.S. chief counsel to prosecute Axis crimes at Nuremberg and handled the day-to-day strategies for our Nation's prosecution team. In recognition of his work, Senator Dodd received a Presidential Citation, the U.S. Medal of Freedom, and the Czechoslovakian Order of the White Lion.

I admire Senator Dodd for his bravery at Nuremberg. It was not an easy job. He spent over a year away from his family, but he did it because he believed the United States had a responsibility to show the world its resounding dedication to a fair legal process and the delivery of justice to the Nazi war criminals.

Senator Dodd's political career began in 1952 when he was elected from the First District of Connecticut in the House of Representatives. He won election to the Senate in 1958, serving as a leader on the Foreign Relations Committee throughout his tenure. Senator Dodd wholeheartedly opposed Soviet communism, and often stood as a maverick within the Democratic Party on foreign policy.

Thomas Dodd was an inspiration to me. He was a brilliant orator, and I would often find my way to see him speak when he would visit the New Haven area. He was a man who stood by his principles, oftentimes in the face of fierce opposition. Partisanship and politics always took a backseat to doing what was in the best interest of America.

Thomas Dodd never refrained from asking the tough questions, and I applaud him for his independence and the example he set as a distinguished Senator from my home State of Connecticut, a proud legacy of public service, which his son CHRIS has carried on.

ADDITIONAL STATEMENTS

HONORING MURIEL GIBSON

• Mrs. MURRAY. Mr. President, today I wish to recognize Muriel Gibson for her 19 years of service to the U.S. Senate and the people of Washington State. Ms. Gibson has been a case-worker on my staff since I was first elected to the Senate in 1993, and she is leaving at the end of this week to continue her public service in another capacity.

Ms. Gibson has spent the last 15 years on my staff and 4 years on Senator Brock Adams's staff serving Washington State's veterans and members of the armed services. She has been a tireless advocate for the men and women of our State who served us through military service. As a country, we promise our servicemembers and their families support in exchange for their commitment to protect our Nation. Ms. Gibson has made sure that these promises are kept to these brave men and women.

The needs of our veterans and soldiers can often be demanding, and Ms. Gibson met those demands with compassion and understanding. As the daughter of a career soldier, she knows the challenges facing our military families firsthand. Whether assisting a World War II veteran to receive his long delayed Purple Heart or ensuring that a returning soldier from Operation Iraqi Freedom gets the medical care needed, Ms. Gibson saw to it that everyone who approached my office for assistance received the guidance and attention they deserved.

I am also pleased to say that her service to our Nation's veterans will not end when she leaves my office. She will be working toward a master's degree in social work and hopes to work for the Department of Veterans Affairs upon completion of her degree. I am comforted by the knowledge that a new generation of veterans will gain from her experience and dedication in the years to come.

I would like to thank Ms. Gibson for her years of distinguished service to the Senate, and I wish her happiness in her future pursuits. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

REPORT CERTIFYING THAT THE EXPORT TO THE PEOPLE'S REPUBLIC OF CHINA OF CERTAIN MATERIALS, INCLUDING AN ISOSTATIC PRESS FOR MANUFACTURING AUTOMOTIVE SPARE PARTS, IS NOT DETRIMENTAL TO THE U.S. SPACE LAUNCH INDUSTRY AND THAT THE MATERIAL WILL NOT MEASURABLY IMPROVE THE MISSILE OR SPACE LAUNCH CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA—PM 13

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), I hereby certify that the export to the People's Republic of China of the following items is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China:

A four-axis filament winding machine for production of spare parts for China's water purification and treatment industries;

A computer control system upgrade to a three-axis filament winding machine for production of spare parts for China's water purification and treatment industries;

An isostatic press for manufacturing automotive spare parts; and

A four-axis filament winding machine to be used in production of graphite or glass composite golf clubs.

GEORGE W. BUSH.

THE WHITE HOUSE, May 15, 2007.

MESSAGE FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1124. An act to extend the District of Columbia College Access Act of 1999.

H.R. 1260. An act to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the "Claude Ramsey Post Office".

H.R. 1335. An act to designate the facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the "S/Sgt Lewis G. Watkins Post Office Building".

H.R. 1617. An act to designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the "Harriet F. Woods Post Office Building".

H.R. 2025. An act to designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the "Willye B. White Post Office Building".

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1260. An act to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the "Claude Ramsey Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1335. An act to designate the facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the "S Sgt Lewis G. Watkins Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1617. An act to designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the "Harriett F. Woods Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2025. An act to designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the "Willye B. White Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1124. An act to extend the District of Columbia College Access Act of 1999.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 119. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes (Rept. No. 110-66).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself, Mr. VITTER, Mr. BROWN, Mr. WEBB, and Mrs. DOLE):

S. 1390. A bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Nebraska (for himself and Mr. DURBIN):

S. 1391. A bill to amend the Elementary and Secondary Education Act of 1965 to au-

thorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1392. A bill to increase the authorization for the major medical facility project to consolidate the medical centers of the Department of Veterans Affairs at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania; to the Committee on Veterans' Affairs.

By Mr. ALEXANDER (for himself, Mr. COCHRAN, and Mr. CORNYN):

S. 1393. A bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes; to the Committee on the Judiciary.

By Ms. STABENOW (for herself, Mr. VOINOVICH, Mr. KERRY, Mr. LEVIN, and Ms. SNOWE):

S. 1394. A bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations; to the Committee on Finance.

By Mr. LEVIN (for himself and Mrs. MCCASKILL):

S. 1395. A bill to prevent unfair practices in credit card accounts, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ISAKSON:

S. 1396. A bill to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia; to the Committee on Veterans' Affairs.

By Mr. LIEBERMAN (for himself, Mr. HAGEL, Ms. CANTWELL, and Mr. VOINOVICH):

S. 1397. A bill to increase the allocation of visas for certain highly skilled workers and to reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. COCHRAN):

S. 1398. A bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN:

S. 1399. A bill to amend the Internal Revenue Code of 1986 to combine the Hope Scholarship Credit and the deduction for qualified tuition and related expenses into a refundable college affordability and creating chances for educational success for students (ACCESS) credit, to establish an Early Federal Pell Grant Commitment Demonstration Program, and to increase the maximum Federal Pell Grant Award; to the Committee on Finance.

By Mr. ENZI (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BURR, Mr. ISAKSON, and Ms. MURKOWSKI):

S. 1400. A bill to amend the Higher Education Act of 1965 to improve the information and repayment options to student borrowers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BURR, Mr. ISAKSON, Mr. ROBERTS, and Ms. MURKOWSKI):

S. 1401. A bill to improve the National Student Loan Data System; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 1402. A bill to amend the Investment Advisors Act of 1940, with respect to the exemption to registration requirements; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself, Mr. HARKIN, Mr. CONRAD, and Mr. DURBIN):

S. 1403. A bill to amend the Farm Security and Rural Investment Act of 2002 to provide incentives for the production of bioenergy crops; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INHOFE:

S. 1404. A bill to provide for Congressional authority with respect to certain acquisitions, mergers, and takeovers under the Defense Production Act of 1950; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mrs. CLINTON):

S. Res. 199. A resolution calling for the immediate and unconditional release of Dr. Haleh Esfandiari; to the Committee on Foreign Relations.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. Res. 200. A resolution commending Louisiana jockeys for their continued success in the Kentucky Derby at Churchill Downs; to the Committee on the Judiciary.

By Mr. CHAMBLISS (for himself and Mr. NELSON of Nebraska):

S. Res. 201. A resolution supporting the goals and ideals of "National Life Insurance Awareness Month"; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself, Ms. SNOWE, and Mr. WHITEHOUSE):

S. Res. 202. A resolution designating the period beginning on May 14, 2007, and ending on May 18, 2007, as "National Health Information Technology Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 117

At the request of Mr. OBAMA, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor

of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 430

At the request of Mr. BOND, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 506

At the request of Mr. LAUTENBERG, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 506, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 545

At the request of Mr. LOTT, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 579

At the request of Mr. REID, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 667, a bill to expand programs

of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

At the request of Mr. BOND, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 667, *supra*.

S. 694

At the request of Mrs. CLINTON, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Oregon (Mr. WYDEN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 755

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 755, a bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes.

S. 773

At the request of Mr. WARNER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 805

At the request of Mr. DURBIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 807

At the request of Mrs. LINCOLN, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 824

At the request of Mr. THUNE, the name of the Senator from North Da-

kota (Mr. DORGAN) was added as a cosponsor of S. 824, a bill to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 845

At the request of Mr. ENZI, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 845, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 866

At the request of Mr. LUGAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 866, a bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Vermont (Mr. SANDERS), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 902

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 902, a bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes.

S. 921

At the request of Mr. THOMAS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S.

921, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 980

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 980, a bill to amend the Controlled Substances Act to address online pharmacies.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 991

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 999

At the request of Mr. COCHRAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1136

At the request of Mrs. MURRAY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1136, a bill to promote the economic security and safety of victims of domestic violence, dating violence, sexual assault, or stalking, and for other purposes.

S. 1155

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1155, a bill to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1226

At the request of Mr. BAYH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1226, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 1232

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1237

At the request of Mr. LAUTENBERG, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1237, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1259

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1263

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1263, a bill to protect the welfare of consumers by prohibiting price gouging with respect to gasoline and petroleum distillates during natural disasters and abnormal market disruptions, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr.

INOUE) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1332

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1332, a bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

S. 1350

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1350, a bill to amend title II of the Immigration and Nationality Act to reform the diversity visa program and create a program that awards visas to aliens with an advanced degree.

S. 1351

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1351, a bill to amend the Immigration and Nationality Act to improve the competitiveness of the United States in the global economy and to protect against potential visa fraud and abuse.

S. 1359

At the request of Mrs. MURRAY, the names of the Senator from Montana (Mr. TESTER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1379

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1379, a bill to amend chapter 35 of title 28, United States Code, to strike the exception to the residency requirements for United States attorneys.

S. 1382

At the request of Mr. REID, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1386

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor

of S. 1386, a bill to amend the Housing and Urban Development Act of 1968, to provide better assistance to low- and moderate-income families, and for other purposes.

S. RES. 118

At the request of Mr. LEVIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 197

At the request of Ms. MIKULSKI, the names of the Senator from Montana (Mr. TESTER), the Senator from Nevada (Mr. REID) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 197, a resolution honoring the accomplishments of AmeriCorps.

AMENDMENT NO. 1071

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 1071 proposed to H.R. 1495, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 1094

At the request of Ms. SNOWE, her name was added as a cosponsor of amendment No. 1094 proposed to H.R. 1495, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 1098

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1098 proposed to H.R. 1495, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Nebraska (for himself and Mr. DURBIN):

S. 1391. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

Mr. NELSON of Nebraska. Mr. President, today I join House Majority Leader STENY HOYER in introducing legislation seeking to strengthen our local communities through coordinated school-based efforts. The Full-Service

Community Schools Act establishes an important grant program supporting a variety of community services, ranging from early childhood education and family literacy efforts to job training and nutrition services. Our schools have long served as the bedrock of local communities; and in a time when Federal dollars have been used as an invasive hand, I believe additional resources should be allocated to local areas supporting enterprising instruction, public health, job training and overall community and parental engagement.

The Full-Service Community Schools Act will direct the Department of Education to award grants to local educational agencies and one or more community-based organizations, nonprofit organizations, or other public/private entities. These full-service community school dollars will improve the coordination, delivery, effectiveness, and efficiency of services provided to our children and families. Funds will be awarded to those grantees coordinating at least 3 services at a school site, including early childhood programs; literacy and reading programs for youth and families; parenting education activities; community service; job training and career counseling services; nutrition services; primary health and dental care; and preventive mental health and treatment services.

Priority will be given to grantees demonstrating a record of effectiveness and serving at least two schools in which at least 40 percent of the children are from low-income families. These targeted efforts will support a more efficient use of Federal, State, local, and private-sector dollars serving the needs of children and families. A synergy of community engagement, parental enthusiasm, and local leadership is what America needs to address the growing challenges of our time; and I will continue working with my colleagues to ensure such efforts have the support of Congress. I encourage Senators to join me by cosponsoring the Full-Service Community Schools Act of 2007.

By Mr. ALEXANDER (for himself, Mr. COCHRAN, and Mr. CORNYN):

S. 1393. A bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes; to the Committee on the Judiciary.

Mr. ALEXANDER. Mr. President, Senators from both parties are working very hard these days to put together an immigration bill. The majority leader is working hard to create an environment in which that can happen, and I appreciate his doing that. It is not easy to do. But it is absolutely essential that we have a comprehensive immigration bill.

This is not something Members of the Congress can blame on anybody else. It is not the Governors' job, it is not the mayors' job, it is not the county commissioners' job, it is not the Sheriff's job, it is our job to decide what our immigration policy should be. It is our job to secure the border. It is our job to make certain that those who come here are legally here. It is also our job to make sure that those who come here legally have an opportunity to become Americans, a chance to become part of our country.

We have a motto above our wall that says, "One from many." It doesn't say "Many from one." We are very proud of our magnificent diversity in this country. People come here from virtually every country in the world. Anyone who has gone to the naturalization ceremonies can attest, where last year 650,000 new citizens stood in courthouses all across America, raised their right hands and swore their allegiance to this country—nothing is more moving than that. But as much as we prize that diversity, what we prize even more is our ability to turn all that diversity into one country.

Unity is harder than diversity. There are a lot of diverse countries in the world, and they are ripped apart by their differences. We have been fortunate. As other countries struggle with the idea of becoming French, becoming German, becoming Japanese—it is hard to do. But in this country, if you become a citizen, you have to become an American.

How do you do that? You don't do it by your race. In fact, our Constitution says that race cannot be used.

You don't do it by any other form of ancestry. It doesn't matter where your grandparents came from. What does matter is that you subscribe to a few principles and that you learn a common language. Those are the most basic elements of the unity, this fragile and important unity that makes us the United States of America instead of just another United Nations.

In anticipation of the immigration debate next week, I introduce today, along with Senators COCHRAN and CORNYN, what we call the Strengthening American Citizenship Act. It is an essential part of any immigration bill because it addresses what happens after one lawfully becomes a resident of this country and begins to think about lawfully becoming a citizen.

This legislation will help legal immigrants who are prospective American citizens learn our common language and learn about our ways of government. I introduced this legislation last year, in the 109th Congress, when we considered an immigration bill. It had several cosponsors and it passed this body 91 to 1. It was an amendment to the Senate immigration bill, in April of 2006.

I hope the Senate will agree again to make it a part of the bill. It might not make the most headlines, but it will make as much lasting difference in immigration legislation as possible.

Here, in brief, is what the legislation would do. First, it would help prospective citizens learn English and it would do that in two ways. It would provide education grants of up to \$500 for English courses for immigrants who declare their intent to become American citizens. They might use these grants of \$500, for example, to go to any accredited agency such as "Fuentes," in Los Angeles, a place I happen to know about, which can do, for that amount of money, an excellent job of helping, in that case mostly Spanish-speaking citizens, learn also to speak English. So it is a \$500 voucher, in effect, to help any lawful person learn English.

Second, it will change the citizenship rules to allow those who learn to speak English fluently to reduce from 5 to 4 years the amount of time they have to wait to become a citizen. These are two ways we are trying to help people learn English and by doing that value our common language.

There are other ways to do that. Senator KENNEDY and I have talked about the fact that there are lines of people in Boston, his State, and Nashville, in my State, of adults who want to learn English, but there is no room for them in the adult education programs we fund. Perhaps when we pass the Workforce Investment Act, or other appropriations bills, we can find other ways to help people who want to learn English, learn English. But this legislation focuses specifically on prospective citizens who want to learn English by giving them a grant to help them do it and by giving them an incentive to learn the language fluently. They can become a citizen then in 4 years instead of 5.

Also, it helps prospective citizens learn more about the American way of life. Albert Shanker, the late President of the American Federation of Teachers, said the common school was created in America, the public school, to help largely immigrant children learn reading and writing and arithmetic and what it means to be an American, with the hope they would go home and teach their parents.

The last time we had such a large percentage of foreign-born people in our country was in about 1900, the turn of that century. Organizations all over America got busy helping new arrivals learn about our country, learn about our Declaration of Independence, learn about our Constitution and the ideas that were part of it because they knew that, since you do not become a citizen based upon your race or your ancestry and you do it upon the idea of America, that someone needed to help these people learn about the idea of America. Many were very eager to do that.

The legislation I introduced today would establish a foundation to support the activities of the Office of Citizenship within the Department of Homeland Security so that organizations that want to support and cooperate in efforts to reach out to prospective citizens can do so.

It would provide grants to organizations to provide classes in American history and civics. We are talking about a lot of prospective citizens—650,000 or so last year. After this immigration bill it may be more, because if you become a citizen, you are going to have to be legally here. So we want to make sure we have plenty of help for these who want to do that.

Third, codify the oath of allegiance. One of the most remarkable oaths, I suppose, in the American language, is the oath of allegiance that the 650,000 new citizens take when they become Americans. It is an oath that goes all the way back to George Washington's time and Valley Forge. It was essentially the oath that Washington and his officers took at the beginning of the American revolution. It says that I, George Washington, or I, the new citizen, declare that we owe no allegiance or obedience—in that case, to King George;

... and that we renounce, refuse and abjure any allegiance or obedience to him and do swear that I will, to the utmost of my power, support, maintain and defend the said United States.

Essentially, that same oath of allegiance is the oath new citizens take. This elevates that oath of allegiance from a bureaucratic rule to a part of the law and gives it the same dignity that the Pledge of Allegiance has and the national anthem has. Finally, this legislation would celebrate new citizens by focusing on these hundreds of ceremonies that we have, in which people from all over the world wear their best clothes, prove that they have good character, that they have waited 5 years, that they have learned English, that they have passed a test about citizenship, and they are ready to say: As proud as I am of where I came from, I now pledge my allegiance to the United States of America.

We want to celebrate those events. This instructs the Secretary of Homeland Security to develop and implement a strategy to make those naturalization ceremonies more important in the fabric of our everyday life, and establish an award for citizens who have been naturalized in the last 10 years who have made an outstanding contribution to the American Nation. We all know in our own experiences that new Americans are sometimes the best Americans. They make the largest contribution. They have the best understanding of our country. We want to celebrate what they have done.

This is legislation the Senate adopted before. Senator COCHRAN, Senator CORNYN, and I are introducing it to make sure we adopt it again when immigration comes up.

I also wish to mention that I intend on looking at a comprehensive effort toward the same goal, which I like to call the American citizenship agenda; learning English and what it means to becoming an American. I have identified several areas, and I may introduce amendments in many of these areas to the immigration bill.

These were not introduced the last time, but they would include clarifying the mission of the Office of Citizenship within the U.S. Citizenship and Immigration Service, establishing State citizenship advisory boards in a number of States, coordinating efforts toward helping immigrants learning English, American history, and civics. It would create an employer tax credit for businesses that help their employees learn English. As I mentioned earlier, at the beginning of the 20th century, there were a great many businesses hiring new Americans who spent their money, their time, and their effort to make sure those new employees understood what it meant to become Americans.

One way to meet this need of a large percentage of foreign-born people in our country is to provide tax incentives to businesses that help their employees learn English. Another proposal is to require a demonstration of English language proficiency when an individual renews his or her green card; establishing a Presidential award for companies that go above and beyond in bringing their employees together as Americans; finally, asking for a Government Accountability Office study to identify the need of lawful permanent residents not speaking English and the associated costs; in other words, how many people living in our country do not speak English and what would be the cost and the most effective programs of helping them learn English.

That is my purpose today, to introduce the Strengthening American Citizenship Act, legislation that passed when we considered the immigration bill in 2006, and which Senators COCHRAN and CORNYN and I hope will be a part of this legislation; then to discuss what I call the Strengthening American Citizenship Agenda, which will be looking for a variety of other ways to help make sure we not only celebrate our diversity but we find ways to celebrate our unity.

We can look across the ocean at Europe and see the struggle in Turkey right now for that nation's identity. We can see the difficulty France and Germany are having as Muslim workers have a hard time integrating into their country. We do not want the United States of America to become a country where we have enclaves of people who have no loyalty to the idea of this Nation. We want to create an environment where everyone has an opportunity to think about loyalty to this country, where almost all have a chance to think about becoming a citizen one day, and where every single person who lives here has an opportunity to learn to speak our common language, not just for their benefit but so we do not become a tower of Babel or a United Nations, that we become a United States of America, as our Founders envisioned.

By Ms. STABENOW (for herself, Mr. VOINOVICH, Mr. KERRY, Mr. LEVIN, and Ms. SNOWE):

S. 1394. A bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations; to the Committee on Finance.

Ms. STABENOW. Mr. President, under current law, only two categories of individuals pay tax on the sale of their principle residence: the truly fortunate who have realized a capital gain of more than \$250,000, \$500,000 on a joint return, or the truly unfortunate who lose equity in their home and are forced to pay tax if the lender forgives some portion of the mortgage debt. Surely this is an anomalous result.

Nevertheless, newspaper and television reports describe the burdens families all over the country are facing as lenders foreclose on borrowers who cannot make their mortgage payments. In more and more circumstances, these borrowers, often minorities and the elderly, are unable to make the escalating payments associated with subprime loans and some complex adjustable rate mortgage products.

Other media reports focus on the challenges sellers face if they live in areas with declining home values. There are instances where the value of housing in a whole market occasionally falls through no fault of the homeowner. A plant closes, environmental degradations are found nearby, a regional economic slump hits hard. This happened during the 1980s in the oil patch and in southern California and New England at the beginning of the 90s.

This is happening right now in Michigan with the depressed automotive industry. The Detroit metropolitan area had the highest percentage of households in foreclosure in the 150 largest metropolitan areas, with an average of more than 10,000 foreclosures in each quarter. The foreclosures affected 1 out of every 21 households, nearly five times the national average. Over the first quarter of 2007, Michigan had over 29,000 foreclosures and Detroit was on pace to record 11,000 for that same time period.

One thing these news reports do not mention is the tax problem that sellers or those in foreclosure will face if lenders forgive and do not require payment on some or all of a mortgage debt at the time of disposition. What happens to these people who must sell their homes during a downturn or who cannot make their payments and go into foreclosure? They must pay taxes on the amount forgiven; it is treated as income.

Below are two hypothetical scenarios where owners must have to pay taxes on the amount forgiven and those estimated taxes. The first example is a situation where there has been a downturn in the housing market. The second example is where a family, possibly because of loss of job, illness, or decrease in income or significant changes in the mortgage rate, can neither refi-

nance the property nor sustain the payments and the lender forecloses on the property.

Decrease in home prices or "short sale"	
Mortgage	\$100,000
Market Value at Purchase	100,000
Market Value at Sale	90,000
Sale Price	90,000
Debt Remaining After Sale	10,000
Taxes Due if forgiven by the lender @ 15 percent tax rate	1,500
Lender forecloses	
Mortgage	\$100,000
Foreclosure Amount	80,000
Debt Remaining After Foreclosure	20,000
Taxes Due if forgiven by the lender @ 15 percent tax rate	3,000

In the "short sale" transaction, if the lender forgives the \$10,000 of outstanding debt, the family will have taxable income of \$10,000 on the transaction and owe \$1,500, even though they have just sustained an economic loss and no cash gain.

In a second scenario, if the foreclosure sale does not cover the amount of outstanding debt on the property or \$20,000, the lender might forgive remaining debt. Again, the borrower is treated as having received "income" when the debt is forgiven and in the example, would owe \$3,000 in taxes on the \$20,000 that was forgiven.

Clearly it is unfair to tax people on phantom income, particularly right at the time they have had a serious economic loss and have no cash with which to pay the tax. My bill, the Mortgage Relief Act, will relieve families of a tax burden when their lender forgives part of the mortgage on a principal residence.

None of us wants to learn that families in our own districts will be forced to pay taxes when they have no money and have incurred a substantial loss on what, for most, is the most significant asset they own, and possibly the only asset they have. While my legislation will not repair their credit or punish those who mislead them into inappropriate loans, it will prevent them from further financial harm.

Mr. KERRY. Mr. President, it is becoming more difficult for a middle class family to purchase a home. Last week the Senate Finance Committee held a hearing on middle class economic issues. We learned from the witnesses that families are struggling because their fixed costs are greater and one of these fixed costs is housing. Professor Elizabeth Warren testified that houses purchased now are only slightly larger than those purchased in the 1970's, but the median mortgage payment is 76 percent larger than a generation ago.

Today, there are serious problems in our mortgage lending market which need to be addressed. Too many families are unable to make the monthly mortgage payments on their homes. Foreclosure rates are increasing. Some homeowners who are facing foreclosure have received what are known as "subprime" loans which allow an adjustable rate of mortgage interest or a break on payments during the first years of the mortgage. The "subprime" lending market has been an important

tool to allow people with poor credit histories to obtain access to credit including mortgages. However, in recent years some lenders have used these "subprime" mortgage loans to put homeowners into mortgage products with high interest rates that increase after a short period of time. Additionally, some homeowners have opted to buy homes they could not afford by using the "subprime" loan market. In either case, too many homeowners have been unable to keep up with the changes in their mortgage payments and have been forced into foreclosure.

Last year, the Commonwealth of Massachusetts had a record 19,487 foreclosure filings. One of every 92 U.S. households faced foreclosure and there are expected to be more disclosures in 2007. Published reports show that Massachusetts has had approximately 10,000 foreclosures filings already this year. Monthly payments on millions of loans are expected to increase dramatically as low introductory interest rates balloon as much as 50 percent. The Nonprofit Center for Responsible Lending predicts that one in five subprime mortgages done in the past 2 years will end up in foreclosure.

Today, Senators STABENOW, VOINOVICH and I are introducing the Mortgage Relief Cancellation Act of 2007. This legislation will help families who are faced with mortgages that they are unable to pay. Fortunately, some lenders are willing to modify loans and forgive some debt, but the borrower is required to pay income tax on the cancelled debt.

Under present law, the discharged debt is treated as income. Some homeowners are learning about this rule the hard way and find themselves owing a large tax bill on debt that was forgiven. The Mortgage Relief Cancellation Act of 2007 would exclude from income the debt that is forgiven for certain mortgage loans.

An example of this is a situation in which a homeowner sells their house to prevent disclosure and the proceeds do not cover the full mortgage obligation. The lender agrees to forgive the difference. Under the Mortgage Relief Cancellation Act of 2007, the amount forgiven would not be included in taxable income. This legislation also addresses forgiveness of debt as part of a restructuring arrangement.

I urge you to support this legislation.

By Mr. LEVIN (for himself and Mrs. McCASKILL):

S. 1395. A bill to prevent unfair practices in credit card accounts, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, I am introducing today, along with Senator McCASKILL, the Stop Unfair Practices in Credit Cards Act.

Credit cards are a fixture of American family life today. People use them to buy groceries, to rent a car, shop on the Internet, pay college tuition, and even pay their taxes. In 2005, the average family had five credit cards. American households used nearly 700 million

credit cards to buy goods and services worth \$1.8 trillion. Credit cards fuel commerce, facilitate financial planning, help families deal with emergencies. But credit cards have also contributed to record amounts of household debt. Some credit card issuers have socked families with sky-high interest rates of 25 and 30 percent and higher. They have hit consumers with hefty fees for late payments, for exceeding a credit card limit, and other transactions. In too many cases, credit card issuers have made it all but impossible for working-class families to climb out of debt.

That is why in 2005, the Permanent Subcommittee on Investigations, which I chaired, on which Senator MCCASKILL serves, initiated an in-depth investigation into unfair and abusive credit card industry practices.

In the fall of 2006, the Government Accountability Office, the GAO, released a report which I had requested, which for the first time in years provided a comprehensive examination of the interest rates and fees being charged by credit card companies. Following the release of that report, and continuing through today, the subcommittee has been deluged with calls and letters from Americans expressing anger and frustration at the way they have been treated by their credit card companies, and sharing stories of unfair and often abusive practices. The subcommittee has been examining those allegations of unfair treatment and has identified many troubling credit card industry practices which should be banned or restricted.

Our first hearing in March focused on industry practices involving grace periods, interest rates, and fees. It revealed a number of unfair, often little-known, and sometimes abusive credit card practices, which prey upon families experiencing financial hardships, and squeezed even consumers who pay their credit card bills on time.

The legislation we are introducing today is aimed at stopping abusive credit card practices that trap too many hard-working families in a downward spiral of debt. American families deserve to be treated honestly and fairly by their credit card companies. Our bill would help ensure that fair treatment. Here are a few things our bill would do. It would stop credit card companies from charging interest on debt that is paid on time. It would crack down on abusive fees, including repeated late fees and over-the-limit fees, and fees to pay your bill.

It would also prohibit the charging of interest on those fees. It would establish guidelines on interest rate increases, including a cap on penalty interest rate hikes at no more than 7 percent. It would require that increased interest rates apply only to future credit card debt and not the debt already incurred.

Our bill will be referred to the Senate Banking Committee, which has primary jurisdiction over credit card leg-

islation, and which has been holding its own hearing on unfair credit card practices. Our friend, Senator DODD, the committee chairman, has a long history of fighting credit card abuses. Senator SHELBY, the ranking Republican, as well as many other members of the committee, has also expressed concern about a number of credit card problems.

It is my hope our bill and the legislative record being compiled by our Permanent Subcommittee on Investigations will help the Banking Committee in its deliberations and help build momentum to enact legislation halting the unfair credit card practices that outrage American consumers. Credit card abuse is too harmful to American families, our economy, and our economic future to let these unfair practices continue.

Let me describe the key provisions of our bill in more detail. The first section of the bill would put an end to an indefensible practice that imposes little known and unfair interest charges on many unsuspecting, responsible consumers. Most credit cards today offer what is called a grace period. Cardholders are told that, if they pay their monthly credit card bill during this grace period, they will not be charged interest on the debt for which they are being billed. What many cardholders do not realize, however, is that this grace period typically provides protection against interest charges only if their monthly credit card bill is paid in full. If the cardholder pays less than 100 percent of the monthly bill—even if the cardholder pays on time—he or she will be charged interest on the entire billed amount, including the portion that was paid by the specified due date.

An example shows why this billing practice is unfair and should be stopped. Suppose a consumer who usually pays his or her credit card account in full and owes no money as of December 1 makes a lot of purchases in December. The consumer gets a credit card bill on January 1 for \$5,020, due January 15. Suppose the consumer pays that bill on time, but pays \$5,000 instead of the full amount owed.

Most people assume that the next bill would be for the \$20 in unpaid debt, plus interest on that \$20. But that commonsense assumption is wrong. That is because current industry practice is to charge the consumer interest not only on the \$20 that wasn't paid on time, but also on the \$5,000 that was paid on time. Let me say that again. Industry practice is to force the consumer to pay interest on the portion of the debt that was paid on time. In other words, the consumer would pay interest on the entire \$5,020 from the first day of the billing month, January 1, until the day the \$5,000 payment was made on January 15, compounded daily. So much for a grace period. After that, the consumer would be charged interest on the \$20 past due, compounded daily, from January 15 to the end of the month.

The end result would be a February 1 bill that more than doubles the \$20 debt. Using an interest rate of 17.99 percent, for example, in just one month, the \$20 debt would rack up interest charges of more than \$35.

Charging \$35 of interest over one month on a \$20 credit card debt is indefensible, especially when applied to a consumer who paid over 90 percent of their credit card debt on time during the grace period. Our legislation would end this unfair billing practice by amending the Truth in Lending Act to prohibit the charging of interest on any portion of a credit card debt that is paid on time during a grace period. Using our example, this prohibition would bar the charging of interest on the \$5,000 that was paid on time, and result in a February balance that reflects what a rational consumer would have expected: the \$20 past due, plus interest on the \$20 from January 1 to January 31.

The second section of our bill would address a related unfair billing practice, which I call "trailing interest." Charging trailing interest on credit card debt is another widespread, but little known industry practice that squeezes responsible and largely unsuspecting consumers for still more interest charges.

Going back to our example, you might think that once the consumer gets gouged in February by receiving a bill for \$55 on a \$20 debt, and pays that bill on time and in full, without making any new purchase, that would be the end of that credit card debt for the consumer. But you would be wrong. It would not be the end.

Even if, on February 15, the consumer paid the February 1 bill in full and on time—all \$55—the next bill would likely have an additional interest charge related to the \$20 debt. In this case, the charge would reflect interest that would have accumulated on the \$55 from February 1 to 15, which is the time from when the bill was sent to the day it was paid. The total interest charge in our example would be about 38 cents. While some credit card issuers will waive trailing interest if the next month's bill is less than \$1, a common industry practice is to fold the 38 cents into the next bill if a consumer makes a new purchase.

Now 38 cents isn't much in the grand scheme of things. That may be why many consumers don't notice this extra interest charge or bother to fight it. Even if someone had questions about the amount of interest on a bill, most consumers would be hard pressed to understand how the amount was calculated, much less whether it was correct. But by nickel and diming tens of millions of consumer accounts with trailing interest charges, credit card issuers reap large profits.

This little known billing practice, which squeezes consumers for a few more cents on the dollar, and targets responsible cardholders who pay their bills on time and in full, goes too far.

If a consumer pays a credit card bill on time and in full—paying 100 percent of the amount specified by the date specified in the billing statement—it is unfair to charge that consumer still more interest on the debt that was just paid. Our legislation would put an end to trailing interest by prohibiting credit card issuers from adding interest charges to a credit card debt which the consumer paid on time and in full in response to a billing statement.

A third problem examined by the subcommittee involves a widespread industry practice in which credit card issuers claim the right to unilaterally change the terms of a credit card agreement at any time for any reason with only a 15-day notice to the consumer under the Truth in Lending Act.

As the National Consumer Law Center testified at our hearing, this practice means that smart shoppers who choose a credit card after comparing a variety of card options are continually vulnerable to a change-in-terms notice that alters the favorable terms they selected, and provides them with only 15 days to accept the changes or find an alternative. By asserting the right to make unilateral changes to credit card terms on short notice, credit card issuers undermine not only the bargaining power of individual consumers, but also principles of fair market competition. Such unilateral changes are particularly unfair when they alter material terms in a credit card agreement such as the interest rate applicable to extensions of credit.

That is why our bill would impose two types of limits on credit card interest rate hikes. First, for consumers who comply with the terms of their credit card agreements, the bill would prohibit a credit card issuer from unilaterally hiking an interest rate that was represented to, and included in the disclosures provided, to a consumer under the Truth in Lending Act, unless the consumer affirmatively agreed in writing to the increase at the time it is proposed. This prohibition is intended to protect responsible consumers who play by the rules from a sudden hike in their interest rate for no apparent reason—a complaint that the subcommittee has heard all too often. Under our bill, issuers would no longer be able to unilaterally hike the interest rates of cardholders who play by the rules.

The bill's second limit would apply to consumers who, for whatever reason, failed to comply with the terms of their credit card agreement, perhaps by paying late or exceeding the credit limit. In that circumstance, credit card issuers would be permitted to impose a penalty interest rate on the account, but the bill would place a cap on how high that penalty interest rate could go.

Specifically, the bill would limit any such penalty rate hike to no more than a 7 percent increase above the interest rate in effect before the penalty rate was imposed. That means a 10 percent

rate could rise no higher than 17 percent, and a 15 percent rate could not exceed 22 percent. This type of interest rate limit is comparable to the caps that today operate in many adjustable mortgages. The effect of the credit card cap would be to prohibit penalty interest rates from dramatically increasing the interest rate imposed on the cardholder, as happened in cases examined by the subcommittee where credit card interest rates jumped from 10 percent or 15 percent to as much as 32 percent. Penalty interest rate hikes that double or triple existing interest rates are simply unreasonable and unfair.

If a credit card account were opened with a low introductory interest rate followed by a higher interest rate after a specified period of time, it is intended that the penalty rate cap proposed in the bill would apply to each of those disclosed rates individually. For example, suppose the credit card account had a 0 percent introductory rate for 6 months and a 12 percent rate after that. Suppose further that, during the 6-month introductory period, the cardholder exceeded the credit limit. The bill would allow the card issuer to impose a penalty interest rate of up to 7 percent for the rest of the 6 month period. Once the 6-month period ended, it is intended that the 12 percent rate would take effect. If the consumer were to again exceed the limit, it is intended that any penalty rate imposed upon the account be no greater than 19 percent.

If a card issuer were to analyze an account and conclude that a penalty rate increase of up to 7 percent would be insufficient to protect against the risk of default on the account, the issuer could choose to reduce the credit limit on the account or cancel the account altogether. If the card issuer chose to cancel the account, it is intended that the consumer would retain the right to pay off any debt on the account using the interest rate that was in effect when the debt was incurred.

The point of the bill's penalty interest rate cap is to stop penalty interest rate hikes which are disproportional; which too often stick families with sky-high interest rates of 25 percent, 30 percent, and even 32 percent; and which too often make it virtually impossible for working American families to climb out of debt.

Still another troubling practice involving credit card interest rate hikes is the problem of retroactive application. Industry practice today is to apply an increased interest rate not only to new debt incurred by the cardholder, but also to previously incurred debt.

Retroactive application of a higher interest rate means that pre-existing credit card debt suddenly costs a consumer much more to repay. Take, for example, a \$3,000 credit card debt that a consumer was paying down each month with timely payments. Suddenly, the cardholder falls ill, misses a

payment or pays it late, and the card issuer increases the interest rate from 15 percent to 22 percent. If applied to the existing \$3,000 debt, that higher rate would require the cardholder to make a much steeper minimum monthly payment and pay much more interest than originally planned. That is often enough to sink a working family into a deepening spiral of debt from which they cannot recover.

By making it a common practice to institute after-the-fact interest rate hikes for existing credit card debt—in effect unilaterally changing the terms of an existing loan—the credit card industry has unfairly positioned itself to reap greater profits at consumers' expense. Our bill would fight back by limiting the retroactive application of interest rate hikes to lessen the financial impact on American households. Specifically, our bill would provide that interest rate hikes could be applied only to future credit card debt and not to any credit card debt incurred prior to the rate increase. Instead, any earlier debt would continue to accrue interest at the rate previously in effect.

The first set of provisions in our bill addresses unfair practices related to interest rates. The next set of provisions targets unfair practices related to fees imposed on cardholders by credit card companies.

The need for proconsumer fee protections is illustrated by the story of Wes Wannemacher of Ohio, a witness featured at the subcommittee's March hearing. In 2001 and 2002, Mr. Wannemacher charged about \$3,200 on a new Chase credit card to pay for expenses mostly related to his wedding. Over the next 6 years, he paid about \$6,300 toward that debt, yet in February 2007, Chase said that he still owed them about \$4,400.

How could Mr. Wannemacher pay nearly double his original credit card debt and still owe \$4,400? As he explained in his testimony, in addition to repaying the original debt of \$3,200, Mr. Wannemacher was socked with \$4,900 in interest charges, \$1,100 in late fees, and 47 over-limit fees totaling \$1,500, despite going over his \$3,000 credit limit by a total of \$200. These facts show that Mr. Wannemacher paid \$2,600 in fees on a \$3,200 debt. In addition, those fees were added to his outstanding credit card balance, and he was charged interest on the fee amounts, increasing his debt by hundreds if not thousands of additional dollars. There is something so wrong with this picture, that Chase didn't even defend its treatment of the account at the subcommittee hearing; instead, Chase forgave the \$4,400 debt that it said was still owing on the Wannemacher credit card.

It is no secret that credit card companies are making a great deal of money off the fees they are imposing on consumers. According to GAO, fee income now produces about 10 percent of all income obtained by credit card issuers. The GAO report which I commissioned on this subject identified a

host of different fees that have become common practice, including fees for transferring balances, making a late payment, exceeding a credit limit, paying a bill by telephone, and exchanging foreign currency. According to GAO, late fees now average \$34 per month and over-limit fees average \$31 per month, with some of these fees climbing as high as \$39 per month. As Mr. Wannemacher discovered, these hefty fees are not only added to the credit card's outstanding balance, they also incur interest. The higher the fees climb, the higher the balances owed, and the higher the interest charges on top of that.

Charging interest on money borrowed is certainly justified, but squeezing additional dollars from consumers by charging interest on transaction fees goes too far. Steep fees already deepen household debt from credit cards; those fees should not also generate interest income for the credit card issuer. Our bill would ban this industrywide practice by prohibiting credit card issuers from charging or collecting interest on the fees imposed on consumers.

Mr. Wannemacher exceeded the \$3,000 limit on his credit card on three occasions in 2001 and 2002 for a total of \$200. Over the following 6 years, however, he was charged over-the-limit fees on 47 occasions totaling about \$1,500. In other words, Chase tried to collect over-the-limit fees from Mr. Wannemacher that were seven times larger than the amount he went over the limit.

At our March hearing, Chase did not attempt to defend the 47 over-the-limit fees it imposed; instead, it announced that it was changing its policy and would join with others in the industry in imposing no more than three over-the-limit fees in a row on a credit card account with an outstanding balance that exceeded the credit limit. While Chase's voluntary change in policy is welcome, it doesn't go far enough in curbing abusive practices related to over-the-limit fees.

First, if a credit card issuer approves the extension of credit that allows the cardholder to exceed the account's established credit limit, the issuer should be allowed to impose only one over-the-limit fee for that credit extension. One fee for one violation—especially when the card issuer facilitated the violation by approving the excess credit charge.

Second, the fee should be imposed only if the account balance is over the credit limit at the end of the billing cycle. If a cardholder exceeds the limit in the middle of the billing cycle and then takes prompt action to reduce the balance below the limit, perhaps by making a payment or obtaining a credit for returning a purchase, there is no injury to the creditor and no justification for an over-the-limit fee.

Third, a credit card issuer should impose an over-the-limit fee only when an action taken by the cardholder causes the credit limit to be exceeded, and not

when a penalty imposed by the card issuer causes the excess charge. The card issuer should not be able to pile penalty upon penalty, such as by assessing a late fee on an account and then, if the late fee pushes the credit card balance over the credit limit, also imposing an over-the-limit fee.

In addition, the bill would require credit card issuers to offer consumers the option of establishing a true credit limit on their account—a credit limit that could not be exceeded, because the account would be programmed to refuse approval of any extension of credit over the established limit. In too many cases, credit card issuers no longer provide consumers with the option of having a fixed credit limit, preferring instead to enable all of their cardholders to exceed their credit limits only to be penalized by a hefty fee, added interest, and, possibly, a penalty interest rate.

There is more. Another unfair but common fee is what I call the “pay-to-pay fee.” It is the \$5 to \$15 fee that many issuers charge consumers to pay their credit card bill on time by using the telephone. To me, charging folks a fee to pay their bills is a travesty. My bill would prohibit a credit card issuer from charging a separate fee to allow a credit cardholder to pay all or part of a credit card balance.

Another fee that has raised eyebrows is the one charged by credit card issuers to exchange dollars into or from a foreign currency. A number of issuers today charge an amount equal to 2 percent of the amount of currency being exchanged in addition to a 1-percent “conversion fee” charged by Visa or Master Card, for a total of 3 percent. Our bill responds by requiring foreign currency exchange fees to reasonably reflect the actual costs incurred by the creditor to perform the currency exchange, and requiring regulators to ensure compliance with that standard.

In addition to unfair practices involving interest rates and fees, the subcommittee investigation uncovered several unfair industry practices involving how credit cardholder payments are applied to satisfy finance charges and other credit card debt. One such practice that has caught the subcommittee's attention is the industry-wide practice of applying consumer payments first to the balances with the lowest interest rates.

Right now, a single credit card account often carries balances subject to multiple interest rates. Credit cards typically use one interest rate for purchases, another for cash advances, and a third for balance transfers. Many card issuers also offer new customers low introductory interest rates, such as 0 or 1 percent, but limit these “come on” rates to a short time period or to a balance transferred from another card. Moreover, many of these interest rates may vary over time, since it is a common practice to offer variable interest rates that rise and fall according to a specified rate or index.

When a consumer payment is made, credit card issuers currently have complete discretion on how to apply that payment to the various balances bearing different interest rates. Consumers are typically given no option to direct where their payments are applied. Today, virtually all credit card issuers apply a consumer payment first to the balance with the lowest interest rate. After that balance is paid off, card issuers apply the payment to the balance with the next lowest interest rate, and so on.

This payment practice clearly favors creditors over consumers. It allows the card issuers to direct payments first to the balances that provide them with the lowest returns, and minimize payments to the balances bearing the highest interest rates so those balances can accumulate more interest for a longer period. Consumers who want to pay off a cash advance bearing a 20 percent interest rate, for example, are told that they cannot make that payment until they first pay off all other balances with a lower interest rate.

Our bill would replace this unfair industrywide practice with a proconsumer approach. Reversing current industry practice, the bill would require cardholder payments to be applied first to the balance bearing the highest interest rate, and then to each successive balance bearing the next highest rate, until the payment is used up. The bill would also require credit card issuers to apply cardholder payments in the most effective way to minimize the imposition of any fees or interest charges to the account.

In addition, the bill would prohibit credit card issuers from imposing late fees on consumers if the issuer was itself responsible for the delay in crediting the payment. For example, if a card issuer changed the mailing address for payments, had to shut down its mail sorting equipment for repairs, or mistakenly routed a consumer payment to the wrong department, the issuer would not be allowed to assess a late fee on the cardholder for the resulting late payment. Instead, if the card issuer caused the late payment, it would be barred from assessing a late fee on the consumer.

In addition to provisions to improve practices related to interest rates, fees, and consumer payments, the bill would add two new definitions to the Truth in Lending Act, intended to further address concerns related to unfair credit card practices.

The first definition involves use of the term, “prime rate.” Many credit card issuers today use variable interest rates that are linked to the “prime rate” or “prime interest rate” and vary over time. For example, a disclosure may indicate that a credit card will bear an interest rate equal to the prime rate plus a specified number of percentage points. Since the 1950s, the term “prime rate” has been commonly understood to mean the lowest interest rate offered by U.S. banks to their

most creditworthy borrowers. That is how the term is defined, for example, in Webster's Collegiate Dictionary.

The problem, however, is that no current statute or regulation defines the prime rate referenced in credit card disclosures under the Truth in Lending Act, and some card issuers have stated expressly that the prime rate used in credit card agreements does not necessarily match the lowest interest rates they provide to their most creditworthy borrowers. Litigation has also arisen between cardholders and card issuers as to what is meant by the term and whether cardholders are being misled. A cite is *Lum v. Bank of America*, 361 F.3d 217 (3d Cir. 2004).

To remedy this gap in the law, the bill would require credit card disclosures under the Truth in Lending Act that reference the prime rate to use the bank prime loan rate published by the Federal Reserve Board. This published rate is widely accepted in the financial community as an accurate depiction of the lowest interest rate offered by U.S. banks to their most creditworthy borrowers, and the rate is readily available to the public on the Federal Reserve Web site. By mandating use of this published rate, the bill will ensure that consumers are not deceived by a credit card issuer using a misleading definition of the commonly used term "prime rate."

The second definition added by the bill to the Truth in Lending Act involves specifying the "primary federal regulator" of a credit card issuer. Today, many credit card issuers are federally chartered or regulated banks subject to one or more Federal bank regulators. The bill would make it clear that when a card issuer is a Federal bank, its primary Federal regulator is the same primary regulator assigned to the bank under Federal banking law. The provision would also make it clear that the primary Federal regulator is responsible for overseeing the bank's credit card operations, ensuring compliance with credit card statutes and regulations, and enforcing the prohibition against unfair or deceptive acts or practices in the Federal Trade Commission Act. Another provision in the bill would make it clear that Federal regulators are expected to conduct at least annual audits to ensure card issuer compliance with the statutes and regulations seeking to ensure fair and effective credit card operations.

The next section of the bill would improve current credit card data collection efforts. Right now, credit card issuers file periodic reports with the Federal Reserve providing information about credit card interest rates and profits. This data plays a critical role in credit card oversight efforts, as well as financial and economic analyses related to consumer spending and household debt. The bill would strengthen current data collection efforts by requiring more specific information on interest rates and fees. For example, current data reports cannot be used to

determine how many credit card accounts have interest rates of 25 percent or greater, what types of fees are imposed on consumers, or how many cardholders are affected by such interest rates and fees. The new bill would ensure that regulators, credit card users, and the public have the information needed to answer those basic questions.

The bill would also require the development of credit card industrywide estimates of the approximate relative income derived from interest rates, fees imposed on cardholders, fees imposed on merchants, and any other material source of income. GAO provided this information for the first time in its 2006 report, estimating that the credit card industry now derives about 70 percent of its income from interest charges, 20 percent from interchange fees imposed on merchants, and 10 percent from fees imposed on consumers. This valuable information should continue to be collected so that regulators, credit card users, and the public gain a more informed understanding of the credit card industry.

The bill's data collection requirements are largely modeled upon and intended to replicate key interest rate, fee, and revenue data presented by GAO in its 2006 report, "Credit Cards: Increased Complexity in Rates and Fees Heightens Need for More Effective Disclosures to Consumers." Credit card experts were also consulted to determine what information would be most helpful to strengthen credit card oversight.

The final provision in the bill would provide a 6-month transition period for credit card issuers to implement the bill's provisions.

Credit card issuers like to say that they are engaged in a risky business, lending unsecured debt to millions of consumers, and that's why they have to set interest rates so high and impose so many fees. But the data shows that, typically, 95 to 97 percent of U.S. cardholders pay their bills. And it is clear that credit card operations are enormously profitable. For the last decade, credit card issuers have reported year after year of solid profits, maintained their position as the most profitable sector in the consumer lending field, and reported consistently higher rates of return than commercial banks. Credit card issuers make such a hefty profit that they sent out 8 billion pieces of mail last year soliciting people to sign up.

With profits like those, credit card issuers can afford to stop treating American families unfairly. They can give up charging interest on debt that was paid on time, give up charging consumers a fee to pay their bills, give up hiking interest rates from 15 percent to 32 percent, and give up imposing repeated over-the-limit fees for a single over-the-limit purchase. As one Michigan businessman expressed it to the subcommittee, "I don't blame the credit card issuers for putting me into debt, but I do blame them for keeping me there."

Some argue that Congress doesn't need to ban unfair credit card practices; they contend that improved disclosure alone will empower consumers to seek out better deals. Sunlight can be a powerful disinfectant, which is why I have strongly urged the Federal Reserve Board to expedite its regulatory effort to strengthen credit card disclosure and help consumers understand and compare how various credit cards work. But credit cards have become such complex financial products that even improved disclosure will frequently not be enough to curb the abuses—first because some practices are so complex that consumers can't easily understand them, and second because better disclosure does not always lead to greater market competition, especially when virtually an entire industry is using and benefiting from practices that disadvantage consumers.

So when we find credit card practices that are inherently unfair, consumers are often best served, not by greater disclosure, but by stopping the unfair practices that take advantage of them. Among those practices identified in this bill are unfair interest charges that squeeze consumers who pay their credit card debt on time; unilateral and retroactive interest rate hikes that deepen and prolong credit card debt; unreasonable fees; and payment allocation practices that prevent consumers from paying off the credit card debts bearing the highest interest rates first.

Congress needs to enact proconsumer legislation that puts an end to unfair credit card practices. I am afraid that these practices are too entrenched, too profitable to the credit card companies, and too immune to consumer pressure for the companies to change them on their own. Our bill offers measures that would combat a host of unfair practices that plague consumers and unfairly deepen and prolong their debt. I look forward to working with my colleagues to address these problems.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Unfair Practices in Credit Cards Act of 2007".

SEC. 2. STOP UNFAIR INTEREST RATES AND FEES.

Section 163 of the Truth in Lending Act (15 U.S.C. 1666b) is amended—

(1) by striking the section title and all that follows through "If an open" and inserting the following:

"§ 163. Billing period and finance charges

"(a) BILLING PERIOD.—

"(1) FOURTEEN-DAY MINIMUM.—If an open";

(2) by striking "(B) Subsection (a)" and inserting the following:

"(2) EXCUSABLE CAUSE.—Subsection (a)"; and

(3) by adding at the end the following:

“(b) **NO INTEREST CHARGE ON DEBT THAT IS PAID ON TIME.**—If an open end consumer credit plan provides a time period within which an obligor may repay any portion of the credit extended without incurring an interest charge, and the obligor repays all or a portion of such credit within the specified time period, the creditor may not impose or collect an interest charge on the portion of the credit that was repaid within the specified time period.

“(c) **NO INTEREST ON DEBT THAT IS PAID ON TIME AND IN FULL.**—In an open end consumer credit plan, if a billing statement requests an obligor to repay within a specified time period all of the credit extended under the plan and related finance charges, and the obligor pays all of the specified amount within the specified time period, the creditor may not impose or collect an additional interest charge on the amount that was paid in full and within the specified time period.

“(d) **LIMITS ON INTEREST RATE INCREASES.**—

“(1) **IN GENERAL.**—With respect to a credit card account under an open end consumer credit plan, the creditor shall not increase the periodic rate of interest applicable to extensions of credit while such account remains open, unless—

“(A) such increase is pursuant to the expiration of an introductory rate which was disclosed under section 127(c)(6);

“(B) such increase is pursuant to the application of a variable rate which was disclosed under section 127(c)(1)(A)(i)(II);

“(C) such increase is pursuant to the application of a penalty rate which was disclosed under subsections (a)(4) and (c)(1)(A)(i) of section 127; or

“(D) the obligor has provided specific written consent to such increase at the time such increase was proposed.

“(2) **LIMIT ON PENALTY INTEREST RATE.**—If an obligor fails to repay an extension of credit in accordance with the terms of a credit card account under an open end consumer credit plan, and the creditor determines to apply a penalty rate, as described in paragraph (1)(C), notwithstanding paragraph (1)(D), such penalty rate may not, while such account is open, exceed 7 percentage points above the interest rate that was in effect with respect to such account on the date immediately preceding the first such penalty increase for such account.

“(e) **INTEREST RATE INCREASES LIMITED TO FUTURE CREDIT EXTENSIONS.**—With respect to a credit card account under an open end consumer credit plan, if the creditor increases the periodic interest rate applicable to an extension of credit under the account, such increased rate shall apply only to extensions of credit made on and after the date of such increase under the account, and any extension of credit under such account made before the date of such increase shall continue to incur interest at the rate that was in effect on the date prior to the date of the increase.

“(f) **NO INTEREST CHARGES ON FEES.**—With respect to a credit card account under an open end consumer credit plan, if the creditor imposes a transaction fee on the obligor, including a cash advance fee, late fee, over-the-limit fee, or balance transfer fee, the creditor may not impose or collect interest with respect to such fee amount.

“(g) **FIXED CREDIT LIMIT.**—With respect to each credit card account under an open end consumer credit plan, the creditor shall offer to the obligor the option of obtaining a fixed credit limit that cannot be exceeded, and with respect to which any request for credit in excess of such fixed limit must be refused, without exception and without imposing an over-the-limit fee or other penalty on such obligor.

“(h) **OVER-THE-LIMIT FEE RESTRICTIONS.**—With respect to a credit card account under an open end consumer credit plan, an over-the-limit fee, as described in section 127(c)(1)(B)(iii)—

“(1) may be imposed on the account only when an extension of credit obtained by the obligor causes the credit limit on such account to be exceeded, and may not be imposed when such credit limit is exceeded due to a penalty fee, such as a late fee or over-the-limit fee, that was added to the account balance by the creditor; and

“(2) may be imposed only once during a billing cycle if, on the last day of such billing cycle, the credit limit on the account is exceeded, and no additional over-the-limit fee shall be imposed in a subsequent billing cycle with respect to such excess credit, unless the obligor has obtained an additional extension of credit in excess of such credit limit during such subsequent cycle.

“(i) **OTHER FEES.**—

“(1) **NO FEE TO PAY A BILLING STATEMENT.**—With respect to a credit card account under an open end consumer credit plan, the creditor may not impose a separate fee to allow the obligor to repay an extension of credit or finance charge, whether such repayment is made by mail, electronic transfer, telephone authorization, or other means.

“(2) **REASONABLE CURRENCY EXCHANGE FEE.**—With respect to a credit card account under an open end consumer credit plan, the creditor may impose a fee for exchanging United States currency with foreign currency in an account transaction, only if—

“(A) such fee reasonably reflects the actual costs incurred by the creditor to perform such currency exchange;

“(B) the creditor discloses publicly its method for calculating such fee; and

“(C) the primary Federal regulator of such creditor determines that the method for calculating such fee complies with this paragraph.

“(j) **ANNUAL AUDIT.**—The primary Federal regulator of a card issuer shall audit, on at least an annual basis, the credit card operations and procedures used by such issuer to ensure compliance with this section and section 164, including by reviewing a sample of billing statements to determine when they were mailed and received, and by reviewing a sample of credit card accounts to determine when and how payments and finance charges were applied. Such regulator shall promptly require the card issuer to take any corrective action needed to comply with this section.”

SEC. 3. STOP UNFAIR APPLICATION OF CARD PAYMENTS.

Section 164 of the Truth in Lending Act (15 U.S.C. 1666c) is amended—

(1) by striking the section heading and all that follows through “Payments” and inserting the following:

“§ 164. Prompt and fair crediting of payments

“(a) **IN GENERAL.**—Payments”; and

(2) by adding at the end the following:

“(b) **APPLICATION OF PAYMENT.**—Upon receipt of a payment from a cardholder, the card issuer shall—

“(1) apply the payment first to the card balance bearing the highest rate of interest, and then to each successive balance bearing the next highest rate of interest, until the payment is exhausted; and

“(2) after complying with paragraph (1), apply the payment in the most effective way to minimize the imposition of any finance charge to the account.

“(c) **CHANGES BY CARD ISSUER.**—If a card issuer makes a material change in the mailing address, office, or procedures for handling cardholder payments, and such change causes a material delay in the crediting of a

cardholder payment made during the 60-day period following the date on which such change took effect, the card issuer may not impose any late fee or finance charge for a late payment on the credit card account to which such payment was credited.”

SEC. 4. STOP DECEPTIVE DISCLOSURE.

Section 127(e) of the Truth in Lending Act (15 U.S.C. 1637(e)) is amended by adding at the end the following:

“(3) **INTEREST RATE LINKED TO PRIME RATE.**—If a credit card solicitation, application, agreement, or plan specifies use of a variable interest rate established by reference to a ‘prime rate’, ‘prime interest rate’, or similar rate or index, the referenced rate shall be disclosed and defined as the bank prime loan rate posted by a majority of the top 25 (by assets in domestic offices) United States chartered commercial banks, as published by the Board of Governors of the Federal Reserve System. To avoid an unfair or deceptive act or practice, a card issuer may not use the term ‘prime rate’ to refer to any other type of interest rate.”

SEC. 5. DEFINITIONS.

Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding at the end the following:

“(cc) **PRIMARY FEDERAL REGULATOR.**—

“(1) **IN GENERAL.**—The term ‘primary Federal regulator’, when used with respect to a card issuer that is a depository institution, has the same meaning as the term ‘appropriate Federal banking agency’, under section 3 of the Federal Deposit Insurance Act.

“(2) **AREAS OF RESPONSIBILITY.**—For each card issuer within its regulatory jurisdiction, the primary Federal regulator shall be responsible for overseeing the credit card operations of the card issuer, ensuring compliance with the requirements of this title, and enforcing the prohibition against unfair or deceptive acts or practices.”

SEC. 6. STRENGTHEN CREDIT CARD INFORMATION COLLECTION.

Section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)) is amended—

(1) in paragraph (1)—

(A) by striking “The Board shall” and inserting the following:

“(A) **IN GENERAL.**—The Board shall”; and

(B) by adding at the end the following:

“(B) **INFORMATION TO BE INCLUDED.**—The information under subparagraph (A) shall include, as of a date designated by the Board—

“(i) a list of each type of transaction or event for which one or more of the card issuers has imposed a separate interest rate upon a cardholder, including purchases, cash advances, and balance transfers;

“(ii) for each type of transaction or event identified under clause (i)—

“(I) each distinct interest rate charged by the card issuer to a cardholder, as of the designated date; and

“(II) the number of cardholders to whom each such interest rate was applied during the calendar month immediately preceding the designated date, and the total amount of interest charged to such cardholders at each such rate during such month;

“(iii) a list of each type of fee that one or more of the card issuers has imposed upon a cardholder as of the designated date, including any fee imposed for obtaining a cash advance, making a late payment, exceeding the credit limit on an account, making a balance transfer, or exchanging United States dollars for foreign currency;

“(iv) for each type of fee identified under clause (iii), the number of cardholders upon whom the fee was imposed during the calendar month immediately preceding the designated date, and the total amount of fees imposed upon cardholders during such month;

“(v) the total number of cardholders that incurred any interest charge or any fee during the calendar month immediately preceding the designated date; and

“(vi) any other information related to interest rates, fees, or other charges that the Board deems of interest.”; and

(2) by adding at the end the following:

“(5) REPORT TO CONGRESS.—The Board shall, on an annual basis, transmit to Congress and make public a report containing an assessment by the Board of the profitability of credit card operations of depository institutions. Such report shall include estimates by the Board of the approximate, relative percentage of income derived by such operations from—

“(A) the imposition of interest rates on cardholders, including separate estimates for—

“(i) interest with an annual percentage rate of less than 25 percent; and

“(ii) interest with an annual percentage rate equal to or greater than 25 percent;

“(B) the imposition of fees on cardholders;

“(C) the imposition of fees on merchants; and

“(D) any other material source of income, while specifying the nature of that income.”.

SEC. 7. CONFORMING AMENDMENT.

Section 8 of the Fair Credit and Charge Card Disclosure Act of 1988 (15 U.S.C. 1637 note) is repealed.

SEC. 8. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 180 days after the date of enactment of this Act.

By Mr. REID (for himself and Mr. COCHRAN):

S. 1398. A bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise today to introduce legislation focused on a devastating condition known as inflammatory bowel disease, IBD.

Crohn's disease and ulcerative colitis, collectively known as inflammatory bowel disease, IBD, are chronic disorders of the gastrointestinal tract which afflict approximately 1.4 million Americans, 30 percent of whom are diagnosed in their childhood years. IBD can cause severe abdominal pain, fever, and intestinal bleeding. Complications related to the disease include; arthritis, osteoporosis, anemia, liver disease, growth and developmental challenges, and colorectal cancer. Inflammatory bowel disease represents a major cause of morbidity from digestive illness and has a devastating impact on patients and families.

In the 108th Congress, I sponsored bipartisan legislation focused on IBD. Several important provisions of that bill were incorporated into legislation known as the Research Review Act which was enacted in 2005.

The legislation I am introducing today builds on the progress made in 2005 by calling for an increased Federal investment in biomedical research on IBD. The hope for a better quality of life for patients and families depends on basic and clinical research spon-

sored by the National Institute of Diabetes and Digestive and Kidney Diseases, NIDDK, at the National Institutes of Health. The Inflammatory Bowel Disease Research Act calls for an expansion of NIDDK's research portfolio on Crohn's disease and ulcerative colitis in order to capitalize on several exciting discoveries that have broadened our understanding of IBD in recent years. By increasing our investment in this area, we will maximize the possibility that we will be able to offer hope to millions of Americans who suffer from this debilitating disease. At the same time, progress in this area could also mean we would save millions of dollars in net health care expenditures through reduced hospitalizations and surgeries.

In addition to biomedical research, this legislation also calls on the Centers for Disease Control and Prevention to expand its IBD epidemiology program to include additional studies focused on pediatric IBD. As I mentioned earlier, 30 percent of individuals with IBD are diagnosed in their childhood years. Children with IBD often miss school activities for reasons related to IBD and run the risk of having delayed puberty and impaired growth as a result of this illness. It is therefore appropriate that we also dedicate resources to efforts that will allow us to better understand pediatric IBD.

Mr. President, I urge all Senators to join me in this important cause by cosponsoring the Inflammatory Bowel Disease Research Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Inflammatory Bowel Disease Research Enhancement Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Crohn's disease and ulcerative colitis are serious inflammatory diseases of the gastrointestinal tract.

(2) Crohn's disease may occur in any section of the gastrointestinal tract but is predominately found in the lower part of the small intestine and the large intestine. Ulcerative colitis is characterized by inflammation and ulceration of the innermost lining of the colon. Complete removal of the colon in patients with ulcerative colitis can potentially alleviate and cure symptoms.

(3) Because Crohn's disease and ulcerative colitis behave similarly, they are collectively known as inflammatory bowel disease. Both diseases present a variety of symptoms, including severe diarrhea, abdominal pain with cramps, fever, and rectal bleeding. There is no known cause of inflammatory bowel disease, or medical cure.

(4) It is estimated that up to 1,400,000 people in the United States suffer from inflammatory bowel disease, 30 percent of whom are diagnosed during their childhood years.

(5) Children with inflammatory bowel disease miss school activities because of bloody

diarrhea and abdominal pain, and many adults who had onset of inflammatory bowel disease as children had delayed puberty and impaired growth and have never reached their full genetic growth potential.

(6) Inflammatory bowel disease patients are at high risk for developing colorectal cancer.

SEC. 3. NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES; INFLAMMATORY BOWEL DISEASE RESEARCH EXPANSION.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by adding at the end the following:

“SEC. 434B. INFLAMMATORY BOWEL DISEASE.

“(a) IN GENERAL.—The Director of the Institute shall expand, intensify, and coordinate the activities of the Institute with respect to research on inflammatory bowel disease. Such research may be focused on, but not limited to, the following areas:

“(1) Genetic research on susceptibility for inflammatory bowel disease, including the interaction of genetic and environmental factors in the development of the disease.

“(2) Research targeted to increase knowledge about the causes and complications of inflammatory bowel disease in children.

“(3) Animal model research on inflammatory bowel disease, including genetics in animals.

“(4) Clinical inflammatory bowel disease research, including clinical studies and treatment trials.

“(5) Expansion of the Institute's Inflammatory Bowel Disease Centers program with a focus on pediatric research.

“(6) The training of qualified health professionals in biomedical research focused on inflammatory bowel disease, including pediatric investigators.

“(7) Other research priorities identified by the scientific agendas ‘Challenges in Inflammatory Bowel Disease Research’ (Crohn's and Colitis Foundation of America) and ‘Chronic Inflammatory Bowel Disease’ (North American Society for Pediatric Gastroenterology, Hepatology and Nutrition).

“(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out subsection (a), there are authorized to be appropriated \$80,000,000 for fiscal year 2008, \$90,000,000 for fiscal year 2009, and \$100,000,000 for fiscal year 2010.”.

SEC. 4. CENTERS FOR DISEASE CONTROL AND PREVENTION; EXPANSION OF INFLAMMATORY BOWEL DISEASE EPIDEMIOLOGY PROGRAM.

Part A of title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

“SEC. 310A. CENTERS FOR DISEASE CONTROL AND PREVENTION; EXPANSION OF INFLAMMATORY BOWEL DISEASE EPIDEMIOLOGY PROGRAM.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention shall expand the Inflammatory Bowel Disease Epidemiology Program within the National Center for Chronic Disease Prevention and Health Promotion to include additional studies focused on—

“(1) the incidence and prevalence of pediatric inflammatory bowel disease in the United States;

“(2) genetic and environmental factors associated with pediatric inflammatory bowel disease;

“(3) age, race or ethnicity, gender, and family history of individuals diagnosed with pediatric inflammatory bowel disease; and

“(4) treatment approaches and outcomes in pediatric inflammatory bowel disease.

“(b) CONSULTATION.—The Director shall carry out subsection (a) in consultation with a national voluntary patient organization with experience serving the population of individuals with pediatric inflammatory bowel

disease and organizations representing physicians and other health professionals specializing in the treatment of such populations.

“(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated \$5,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 and 2010.”.

By Mr. BIDEN:

S. 1399. A bill to amend the Internal Revenue Code of 1986 to combine the Hope Scholarship Credit and the deduction for qualified tuition and related expenses into a refundable college affordability and creating chances for educational success for students (ACCESS) credit, to establish an Early Federal Pell Grant Commitment Demonstration Program, and to increase the maximum Federal Pell Grant Award; to the Committee on Finance.

Mr. BIDEN. Mr. President, I rise today to introduce the College Affordability and Creating Chances for Educational Success for Students Act of 2007, or College ACCESS Act. It will make a 2-year or 4-year college degree affordable for every student.

The United States is the largest economy in the world, and our skills, our brains, are the foundation of our economic strength. However, if we do not substantially expand access to higher education, we will not be able to count on continued dominance. Consider the facts: China and India both produce twice as many engineers a year as we produce. One out of five U.S. scientists and engineers are foreign-born. An Indian engineer costs only 20 percent of an American engineer. By 2010, the U.S. will produce about 15 percent of the world's science and engineering doctorate degrees. This is down from 50 percent, half the world total, in 1970. High-speed access to information has leveled the playing field, radiologists in India are reading x-rays from American hospitals.

This is a global economy. In a world where America's competitive advantage gap is closing fast, we should be ensuring guaranteeing that every student can pursue higher education. The importance of a college degree has never been greater, but over the next decade 2 million students will forgo college because of cost. The price tag of a degree at a four year public college has risen 35 percent in the last 5 years, the largest increase in tuition and fees in any 5-year period in the last 30 years. We can not approach college as if it is a luxury, rather than a necessity. And we should be worried about the rising costs that are putting college out of reach for more and more Americans. We aren't giving students and their families enough financial support to obtain their educational goals, it is that simple.

We need to act, and we need to act now, and that is why I am introducing the College ACCESS Act. This legislation addresses some of the disparities in our current system with innovative new ways to help Americans pay for college.

First, my College ACCESS Plan fully covers the average cost of tuition and fees at a 2-year public college and covers more than half of the average cost of tuition and fees at a public 4-year college.

Right now, students and their families can take advantage of either the Hope Credit or the tuition and fees deduction, obtaining a maximum benefit of \$1,120 or \$1,650, respectively. Although these incentives help to make college more affordable, they fall far short of providing the level of relief needed to ensure that all students can afford college.

By replacing the Hope Credit and the tuition and fees deduction with a single \$3,000 credit, the equivalent of a \$12,000 deduction, and making it refundable, middle class and low income families will get real help with college costs. My College ACCESS tax credit simplifies this process and is indexed annually for inflation. So, when the cost of college goes up, the amount of assistance goes up as well.

Second, my College ACCESS proposal increases Pell Grants. When this program was established, it covered most of the cost of tuition at a 4-year public college. This is no longer the case. Currently, the maximum annual Pell Grant award is \$4,310, and the average annual cost of tuition and fees at a 4-year public college is \$5,800. Students are seeing their tuition costs rise every year while the levels of Federal funding fail to keep up. This reality is one that more and more students are facing every day, a reality that says, you can go to college, but only if you can afford it, and you won't get much help from us.

My College ACCESS Act seeks to remedy this by raising the maximum Pell Grant award to \$5,100 for 2007–2008, followed by increases of \$300 per year for the next 5 years, for a maximum Pell Grant in 2011–2012 of \$6,300.

Finally, the College ACCESS Plan would provide funding for a demonstration program in four states that would commit a maximum Federal Pell Grant award to eligible 8 grade students so they know they're going to get this assistance when they graduate. By using the same eligibility criteria as the National School Lunch Program, students would be identified based on need, and then provided with information on the Pell Grant program, the costs of college, and what Federal and State financial assistance is available to them.

Right now, students don't find out if they are eligible for Federal aid until their senior year, much less how much they will receive. If you've ever put kids through college, like I have, you know that this time frame doesn't allow much leeway for planning ahead. An earlier promise of Federal aid will begin the conversation about college early and continue it through high school. That way, students and their families can visualize college in their future, and this goal can sustain them through the moment they open that acceptance letter.

My mother has an expression that I think rings true in the larger scope of America: “Children tend to become that which you expect of them.” I want a country where we expect much from America's children. Our future, and our economic security, depend on it.

I ask unanimous consent that a summary of this bill be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE COLLEGE ACCESS ACT OF 2007

TITLE I—COLLEGE ACCESS TAX CREDIT

Consolidate two existing tax incentives—the Hope Scholarship Credit and the tuition and fees deduction—and replaces them with a single \$3,000 refundable tax credit that is the equivalent of a \$12,000 deduction. The College ACCESS Tax Credit would fully cover the average cost of tuition and fees at a public two-year college, \$2,300, and would cover more than half of the average cost of tuition and fees at a public four-year college, \$5,800. Currently, the tuition and fees deduction has a maximum value of \$1,120, about 20 percent of the average cost of tuition and fees at a public four-year college. The Hope Scholarship Credit is more valuable, with a maximum value of \$1,650, about 28 percent of the average cost of tuition and fees at a public four-year college.

Expand eligibility for the tax credit to ease the burden of paying for college for more families. Currently, the Hope Scholarship Credit is phased out for married couples earning \$90,000 to \$110,000, \$45,000 to \$55,000 for individuals. Married couples earning \$130,000 to \$160,000, \$65,000–\$80,000 for individuals, are eligible only for a reduced tuition and fees deduction. The College ACCESS Tax Credit expands eligibility, providing the full credit to married couples whose adjusted gross income is less than \$130,000, \$65,000 for individuals and phasing out the credit for married couples with incomes between \$130,000 and \$166,000, \$65,000 and \$83,000 for individuals. Broadening the income limits for this credit would result in approximately 4 million more hard working American families being eligible for this assistance than under the current tax incentives and limits. Recognizing that the cost of college rises each year, both the income limits and phase-out range for the credit would be adjusted annually for inflation. Furthermore, families could claim a credit for more than one eligible dependent in a school year. In pursuing their education, individuals will be eligible for credits totaling up to \$12,000 toward an undergraduate degree, associate's degree, certificate, or continuing education as well as credits totaling up to \$6,000 toward a graduate degree; as long as they are enrolled at least half-time.

Make the tuition tax credit refundable. Making the College ACCESS Tax Credit refundable would expand this incentive to the very students and families that need it the most, low income families. This credit would allow low income families to qualify for up to \$3,000 to cover tuition payments that aren't covered by Pell Grants. Low income students who do attend college often face prohibitive costs even after receiving aid from the government and their institution.

TITLE II—EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM

Fund a demonstration program that would commit Pell Grants to students in 8 grade. Currently, most students find out whether or not they will receive a Pell Grant during their senior year of high school. Starting the financial aid process earlier would allow

families and students to plan ahead for college and develop an expectation that the future includes higher education. The proposal provides funding for an Early Pell Grant Commitment Demonstration Program in four States, each of which would commit Pell Grants to two cohorts of up to 10,000 8 grade students, one in school year 2007–2008, and one in school year 2008–2009. Participation would be contingent on students' 8 grade eligibility for free or reduced price meals under the National School Lunch Program. Participants would qualify for the Automatic Zero Expected Family Contribution on the Free Application for Federal Student Aid, FAFSA, guaranteeing them a maximum Pell Grant, \$4,310 for 2007–08. Additionally, the act requires an independent evaluation to be conducted to determine the impact and effectiveness of the program.

Provide students with essential information regarding the costs of college as well as available State and Federal assistance. The Early Pell Grant Demonstration Project would provide funding for States, in conjunction with the participating local education agencies, to conduct targeted information campaigns beginning in the 8 grade and continuing through students' senior year. These campaigns would inform students and their families of the program and provide information about the cost of a college education, State and Federal financial assistance, and the average amount of aid awards. A targeted information campaign, along with a guarantee of a maximum Pell Grant, would provide information essential to the college-planning process and would help break down the barriers that cost and information often form.

TITLE III—INCREASE FEDERAL PELL GRANT MAXIMUM AWARD

Expand the maximum Pell Grant from \$4,310 to \$5,100. In 1975, the maximum Pell Grant covered 84 percent of the cost of tuition, fees, room, and board at a four-year public college (Pell Grants, unlike tax incentives, can be used to pay for the cost of room and board). The maximum Pell Grant this year covered 33 percent of the average cost of tuition, fees, room, and board at a public four-year college, \$12,115. While Congress increased the maximum Pell Grant for 2007–2008 to \$4,310, a more substantial increase is long overdue, as the cost of tuition has outpaced the growth in family income for the last two decades. The College ACCESS Act would increase the maximum Pell Grant to \$5,100 for 2007–2008, followed by increases of \$300 per year for the next five years, for a maximum Pell Grant in 2011–12 of \$6,300.

ESTIMATED FIVE-YEAR COSTS

Title I—\$24.1 Billion
Title II—\$35 billion
Title III—\$36.5 million

By Mr. ENZI (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BURR, Mr. ISAKSON, and Ms. MURKOWSKI):

S. 1400. A bill to amend the Higher Education Act of 1965 to improve the information and repayment options to student borrowers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise to speak about the Student Information Means a Positive Loan Experience Act, the SIMPLE Act, which I, along with Senators ALEXANDER, ALLARD, BURR and ISAKSON, am introducing today. With the increasing debt level of many students, it is important to make sure borrowers have good options for man-

aging their debt and good information on the available options so they make wise, informed decisions.

We are calling this the SIMPLE Act for a reason. We have heard testimony from experts and comments from borrowers and other stakeholders about the information borrowers receive currently. On the one hand, borrowers receive so much information that they have "information overload," which leads to confusion. On the other hand, many borrowers do not receive good information about the full range of tools available to help them repay their loans. What has come through loud and clear is that we need to simplify the information and spell out the impact of selecting various options. Borrowers need better, clearer information to help them make better decisions, not more repayment plans and confusing choices.

There are already four repayment plans in the Federal Family Education Loan program and four in Direct Loans. From the data we have obtained, it is clear that the vast majority of borrowers with Stafford loans have a standard repayment plan. Many borrowers are not taking advantage of the graduated, extended or income sensitive/income contingent repayment plans currently available.

Rather than adding another repayment plan, this bill makes the existing repayment plans more flexible, by providing borrowers with the option to pay only the interest on their loans for the first 2 years they are in repayment, regardless of their repayment plan. The bill also expands access to the extended repayment plan to borrowers with \$20,000 of student loan debt, instead of the \$30,000 currently needed to qualify for extended repayment plans.

The bill also revises the definition of economic hardship, raising the eligibility cut-off point to 150 percent of the poverty line and taking family size into account when making the determination of eligibility.

To make sure borrowers understand the availability of the various options, and the impact different repayment plans would have on their payments, the bill expands and clarifies the information to be provided to borrowers during their exit interview. Information on repayment plans available will include a discussion of the different features of each plan, average anticipated monthly payment amounts, and the ability of the borrower to prepay their loans or to change repayment plans.

The bill requires borrowers to be provided with clear information on the availability of deferment and forbearance. These are two excellent debt management tools, but borrowers must understand the potential impact on their loan principal and total interest paid on their loans when they choose these options.

During exit counseling, borrowers must also be provided with information on the effect of consolidating student

loans on the borrower's underlying loan benefits, including grace periods, loan forgiveness and cancellation. Borrowers must be informed that different lenders offering consolidation loans may offer different borrower benefits.

Last, but not least, borrowers must be given notice that information on their student loans is housed in the National Student Loan Database and they must be told how to access their information. It will help them keep track of the status of their loans and the outstanding principal.

All of this is designed to help borrowers ask questions first, then make decisions that are right for them. The concept is simple, and requires a few, but essential changes to the Higher Education Act to put them into effect.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Information Means a Positive Loan Experience Act of 2007".

SEC. 2. PURPOSE.

The purpose of this Act is to improve—

(1) the repayment plans available to borrowers of loans under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(2) borrowers' understanding of—

(A) the repayment plans available for such loans;

(B) the conditions under which such loans may be cancelled or forgiven; and

(C) the availability of deferments, forbearance, and consolidation for such loans, and the impact on the balance of such loans and total interest paid of using those options.

SEC. 3. FLEXIBLE REPAYMENT PLANS.

(a) STUDENT LOAN REQUIREMENTS.—Section 427(a)(2)(H) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(H)) is amended by inserting "and, if applicable, the option of electing to delay repayment or principal for the first 2 years of the repayment period" before the semicolon at the end.

(b) FFEL REPAYMENT PLANS.—Section 428(b)(9) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(9)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence of the matter preceding clause (i), by inserting "and the election described in subparagraph (C)" after "thereon";

(B) in clause (ii), by inserting "which plan shall be established by the lender with the informed agreement of the borrower" before the semicolon at the end; and

(C) by striking clause (iv) and inserting the following:

"(iv) for new borrowers on or after October 7, 1998, who accumulate outstanding loans under this part totaling more than \$20,000, an extended repayment plan, with a fixed annual or graduated repayment amount paid over an extended period, not to exceed 25 years, except that the borrower shall repay annually a minimum amount determined in accordance with paragraph (1)(L)(i)."; and

(2) by adding at the end the following:

"(C) OPTION FOR FIRST 2 YEARS.—A lender shall offer each new borrower of loans on or

after October 7, 1998, the opportunity to elect, for the first 2 years of repayment of such loans, to delay the repayment of principal, regardless of the repayment plan selected under this paragraph.”

(c) **DIRECT LOAN REPAYMENT PLANS.**—Section 455(d) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) in the first sentence, by inserting “, and the election described in paragraph (6)” after “the loan”; and

(ii) in the third sentence, by striking “may choose” and inserting “shall choose from”; and

(B) in subparagraph (C), by striking “428(b)(9)(A)(v)” and inserting “428(b)(9)(A)(iv)”; and

(2) by adding at the end the following:

“(6) **OPTION FOR FIRST 2 YEARS.**—The Secretary shall offer each new borrower of loans on or after October 7, 1998, the opportunity to elect, for the first 2 years of repayment of such loans, to delay the repayment of principal, consistent with section 428(b)(9)(C).”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to loans for which the first disbursement is made on or after October 7, 1998.

SEC. 4. REVISED DEFINITION OF ECONOMIC HARSHIP.

Section 435(o)(1) of the Higher Education Act of 1965 (20 U.S.C. 1085(o)(1)) is amended—

(1) in subparagraph (A)(ii), by striking “100 percent of the poverty line for a family of 2” and inserting “150 percent of the poverty line applicable to the borrower’s family size”; and

(2) in subparagraph (B)(ii), by striking “to a family of 2” and inserting “to the borrower’s family size”.

SEC. 5. USEFUL AND COMPREHENSIVE STUDENT LOAN INFORMATION FOR BORROWERS.

(a) **INSURANCE PROGRAM AGREEMENTS.**—Section 428(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)) is amended—

(1) in subparagraph (X), by striking “and” after the semicolon;

(2) in subparagraph (Y)(ii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(Z) provides that the lender shall, at the time the lender grants a deferment to a borrower who received a loan under section 428H and is eligible for a deferment under section 427(a)(2)(C), provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower’s loan principal and total amount of interest to be paid during the life of the loan.”

(b) **GUARANTY AGREEMENTS.**—Section 428(c)(3)(C) of the Higher Education Act of 1965 (20 U.S.C. 1078(c)(3)(C)) is amended—

(1) in clause (i), by striking “and” after the semicolon;

(2) in clause (ii), by striking “and” after the semicolon;

(3) by inserting after clause (ii) the following:

“(iii) the lender shall, at the time of granting a borrower forbearance, provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower’s loan principal and total amount of interest to be paid during the life of the loan; and

“(iv) the lender shall contact the borrower not less often than once every 180 days during the period of forbearance to inform the borrower of—

“(I) the amount of unpaid principal and the amount of interest that has accrued since the last statement of such amounts provided to the borrower by the lender;

“(II) the fact that interest will accrue on the loan for the period of forbearance;

“(III) the amount of interest that will be capitalized, and the date on which capitalization will occur;

“(IV) the ability of the borrower to pay the interest that has accrued before the interest is capitalized; and

“(V) the borrower’s option to discontinue the forbearance at any time; and”.

(c) **LENDER AGREEMENTS.**—Section 428(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078-3(b)(1)) is amended—

(1) in subparagraph (E), by striking “and” after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

“(F) that the lender shall, upon application for a consolidation loan, provide the borrower with information about the possible impact of loan consolidation, including—

“(i) the total interest to be paid and fees to be paid on the consolidation loan, and the length of repayment for the loan;

“(ii) whether consolidation would result in a loss of loan benefits under this part or part D, including loan forgiveness, cancellation, and deferment;

“(iii) in the case of a borrower that plans to include a Federal Perkins Loan under part E in the consolidation loan, that once the borrower adds the borrower’s Federal Perkins Loan to a consolidation loan—

“(I) the borrower will lose all interest-free periods that would have been available for such loan under part E, such as the periods during which no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, the grace period, and the periods during which the borrower’s student loan repayments are deferred under section 464(c)(2); and

“(II) the borrower will no longer be eligible for cancellation of part or all of a Federal Perkins loan under section 465(a);

“(iv) the ability of the borrower to prepay the consolidation loan, pay such loan on a shorter schedule, and to change repayment plans;

“(v) that borrower benefit programs for a consolidation loan may vary among different lenders;

“(vi) the consequences of default on the consolidation loan; and

“(vii) that by applying for a consolidation loan, the borrower is not obligated to agree to take the consolidation loan; and”.

(d) **INFORMATION DISSEMINATION.**—Subparagraph (M) of section 485(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(a)(1)(M)) is amended to read as follows:

“(M) the terms and conditions of the loans that students receive under parts B, D, and E;”.

(e) **EXIT COUNSELING.**—Subparagraph (A) of section 485(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(b)(1)(A)) is amended by striking the subparagraph designation and all that follows through “465.” and inserting the following: “(A) Each eligible institution shall, through financial aid offices or otherwise, provide counseling to borrowers of loans that are made, insured, or guaranteed under part B (other than loans made pursuant to section 428C or loans made to parents pursuant to section 428B), or made under part D (other than Federal Direct Consolidation Loans or Federal Direct PLUS Loans made to parents) or E, prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

“(i) information on the repayment plans available, including a discussion of the dif-

ferent features of each plan and sample information showing the difference in interest paid and total payments under each plan;

“(ii) the average anticipated monthly repayments under the standard repayment plan and, at the borrower’s request, the other repayment plans for which the borrower is eligible;

“(iii) such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness;

“(iv) an explanation that the borrower has the ability to prepay each such loan, pay the loan on a shorter schedule, and change repayment plans;

“(v) the terms and conditions under which the student may obtain full or partial forgiveness or cancellation of principal or interest under sections 428J, 460, and 465 (to the extent that such sections are applicable to the student’s loans);

“(vi) the terms and conditions under which the student may defer repayment of principal or interest or be granted forbearance under subsections (b)(1)(M) and (o) of section 428, 428H(e)(7), subsections (f) and (l) of section 455, and section 464(c)(2), and the potential impact of such deferment or forbearance;

“(vii) the consequences of default on such loans;

“(viii) information on the effects of using a consolidation loan to discharge the borrower’s loans under parts B, D, and E, including, at a minimum—

“(I) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

“(II) the effects of consolidation on a borrower’s underlying loan benefits, including all grace periods, loan forgiveness, cancellation, and deferment opportunities;

“(III) the ability of the borrower to prepay the loan or change repayment plans; and

“(IV) that borrower benefit programs may vary among different loan holders; and

“(ix) a notice to borrowers about the availability of the National Student Loan Data System and how the system can be used by a borrower to obtain information on the status of the borrower’s loans.”.

(f) **CONFORMING AMENDMENT.**—Section 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1087e(g)) is amended by striking “428C(b)(1)(F)” and inserting “428C(b)(1)(G)”.

SEC. 6. REPORT REQUIRED.

Section 141(c) of the Higher Education Act of 1965 (20 U.S.C. 1018(c)) is amended—

(1) in the subsection heading, by striking “PLAN AND REPORT” and inserting “PLAN, REPORT, AND BRIEFING”; and

(2) by adding at the end the following:

“(4) **BRIEFING ON ENFORCEMENT OF STUDENT LOAN PROVISIONS.**—The Chief Operating Officer shall provide an annual briefing to the members of the authorizing committees on the steps the PBO has taken and is taking to ensure that lenders are providing the information required under clauses (iii) and (iv) of section 428(c)(3)(C) and sections 428(b)(1)(Z) and 428C(b)(1)(F).”.

By Mr. ENZI (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BURR, Mr. ISAKSON, Mr. ROBERTS, and Ms. MURKOWSKI):

S. 1401. A bill to improve the National Student Loan Data System; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise to speak about the Student Financial Aid Data Privacy Protection Act, which I, along with Senators ALEXANDER, ALLARD, BURR, ISAKSON and ROBERTS, am

introducing today. In a climate where our personal financial information is at risk, it is now more important than ever to ensure that the Department of Education is providing appropriate safeguards around one of the world's largest databases, National Student Loan Data System.

The Department of Education has not inspired confidence in its ability to protect its data systems from those bad actors who would misuse the financial information of students and parents. Indeed in 2006 the House Committee on Oversight and Government Reform gave the Department of Education a failing grade for its efforts to improve the security of its data systems in compliance with the Federal Information Security Management Act.

More recently, on April 17 of this year the Department of Education suspended the access of lenders, services and guaranty agencies to the National Student Loan Data System. While I am pleased to see that the Department of Education is monitoring this database, it is clear from the information provided by the Department of Education that this unprecedented restriction of access was done without having in place clear standard operating procedures for limiting and restoring access to the database.

The National Student Loan Data System is a vital tool for lenders, universities and students. It is a system that is absolutely essential to the efficient functioning of our country's higher education loan and grant programs. When the operation of this system suffers, students suffer.

Students and parents depend on this system to consolidate their loans. Lenders and guaranty agencies depend on this system to verify whether students should be entering their repayment period. And our institutions of higher education depend on this system to determine whether students are exceeding caps on how much they should be borrowing to attend college.

This bill sets out operating principles for the National Student Loan Data System, to ensure that the Department of Education continues to manage this database in manner that advances the best interests of students. The bill requires the Department of Education establish protocols for limiting access to the database when there are suspicions that the system is being used inappropriately, and the steps to be taken in order to restore access.

This bill also requires the Department of Education, lenders and guaranty agencies to assist students and parents in better understanding how their sensitive, financial information is entered into the National Student Loan Data System and then accessed by thousands of lenders, consolidators and guaranty agencies across the country.

Finally, the bill prohibits nongovernmental researchers and policy analysts from accessing sensitive borrower-spe-

cific information, and directs the Secretary of Education to explore ways to empower students and parents to control which lenders are accessing their sensitive, financial information.

We must help the 14.3 million students and their families who trust the Department of Education to protect their personal financial information. Action is needed to restore confidence in the ability of the Department of Education to manage the National Student Loan Data System. I want to thank Senators ALEXANDER, ALLARD, BURR, ISAKSON and ROBERTS for joining me in this effort, and look forward to this bill being included in our efforts to reauthorize the Higher Education Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Financial Aid Data Privacy Protection Act".

SEC. 2. NATIONAL STUDENT LOAN DATA SYSTEM.

Section 485B of the Higher Education Act of 1965 (20 U.S.C. 1092b) is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively;

(2) by inserting after subsection (c) the following:

"(d) PRINCIPLES FOR ADMINISTERING THE DATA SYSTEM.—In managing the National Student Loan Data System, the Secretary shall take actions necessary to maintain confidence in the data system, including, at a minimum—

"(1) ensuring that the primary purpose of access to the data system by guaranty agencies, eligible lenders, and eligible institutions of higher education is for legitimate program operations, such as the need to verify the eligibility of a student, potential student, or parent for loans under part B, D, or E;

"(2) prohibiting nongovernmental researchers and policy analysts from accessing personally identifiable information;

"(3) creating a disclosure form for students and potential students that is distributed when such students complete the common financial reporting form under section 483, and as a part of the exit counseling process under section 485(b), that—

"(A) informs the students that any title IV grant or loan the students receive will be included in the National Student Loan Data System, and instructs the students on how to access that information;

"(B) describes the categories of individuals or entities that may access the data relating to such grant or loan through the data system, and for what purposes access is allowed;

"(C) defines and explains the categories of information included in the data system;

"(D) provides a summary of the provisions of the Federal Educational Rights and Privacy Act of 1974 and other applicable Federal privacy statutes, and a statement of the students' rights and responsibilities with respect to such statutes;

"(E) explains the measures taken by the Department to safeguard the students' data; and

"(F) includes other information as determined appropriate by the Secretary;

"(4) requiring guaranty agencies, eligible lenders, and eligible institutions of higher education that enter into an agreement with a potential student, student, or parent of such student regarding a loan under part B, D, or E, to inform the student or parent that such loan shall be—

"(A) submitted to the data system; and

"(B) accessible to guaranty agencies, eligible lenders, and eligible institutions of higher education determined by the Secretary to be authorized users of the data system;

"(5) regularly reviewing the data system to—

"(A) delete inactive users from the data system;

"(B) ensure that the data in the data system are not being used for marketing purposes; and

"(C) monitor the use of the data system by guaranty agencies and eligible lenders to determine whether an agency or lender is accessing the records of students in which the agency or lender has no existing financial interest; and

"(6) developing standardized protocols for limiting access to the data system that include—

"(A) collecting data on the usage of the data system to monitor whether access has been or is being used contrary to the purposes of the data system;

"(B) defining the steps necessary for determining whether, and how, to deny or restrict access to the data system; and

"(C) determining the steps necessary to reopen access to the data system following a denial or restriction of access.";

(3) by striking subsection (e) (as redesignated by paragraph (1)) and inserting the following:

"(e) REPORTS TO CONGRESS.—

"(1) ANNUAL REPORT.—Not later than September 30 of each fiscal year, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing—

"(A) the results obtained by the establishment and operation of the National Student Loan Data System authorized by this section;

"(B) the effectiveness of existing privacy safeguards in protecting student and parent information in the data system;

"(C) the success of any new authorization protocols in more effectively preventing abuse of the data system;

"(D) the ability of the Secretary to monitor how the system is being used, relative to the intended purposes of the data system; and

"(E) any protocols developed under subsection (d)(6) during the preceding fiscal year.

"(2) STUDY.—

"(A) IN GENERAL.—The Secretary shall conduct a study regarding—

"(i) available mechanisms for providing students and parents with the ability to opt in or opt out of allowing eligible lenders to access their records in the National Student Loan Data System; and

"(ii) appropriate protocols for limiting access to the data system, based on the risk assessment required under subchapter III of chapter 35 of title 44, United States Code.

"(B) SUBMISSION OF STUDY.—Not later than 3 years after the date of enactment of the Student Financial Aid Data Privacy Protection Act, the Secretary shall prepare and submit a report on the findings of the study to the appropriate committees of Congress."

By Mr. GRASSLEY:

S. 1402. A bill to amend the Investment Advisors Act of 1940, with respect

to the exemption to registration requirements; to the Committee on Banking, Housing, and Urban Affairs.

Mr. GRASSLEY. Mr. President, I would like to introduce an important piece of legislation aimed at closing a loophole in our securities laws. This bill, The Hedge Fund Registration Act, is pretty simple. It's only two pages long. All it does is clarify that the Securities and Exchange Commission has the authority to require hedge funds to register, so the government knows who they are and what they're doing.

Technically speaking, this bill would amend section 203(b)(3) of the Investment Advisers Act of 1940. It would narrow the current exemption from registration for certain investment advisers. This exemption is used by large, private pooled investment vehicles, commonly referred to as "hedge funds." Hedge funds are operated by advisers who manage billions of dollars for groups of wealthy investors in total secrecy. They should at least have to register with the SEC, like other investment advisers do.

Currently, the exemption applies to any investment adviser who had fewer than 15 clients in the preceding year and who does not hold himself out to the public as an investment adviser. The Hedge Fund Registration Act narrows this exemption and closes a loophole in the securities laws these hedge funds use to avoid registering with the SEC and operate in secret.

Much has been reported during the last few years regarding hedge funds and the market power they yield because of the large amounts of capital they invest. In fact, some estimates are that these pooled investment vehicles account for nearly 30 percent of the daily trades in U.S. financial markets. The power and influence of that amount of volume is not some passing fad. It represents a new element in our financial markets. Congress needs to ensure that the SEC knows who is controlling these massive pools of money to ensure the integrity and security of the markets.

The failure of Amaranth and the increasing interest in hedge funds as investment vehicles for public pension money means that this is not just a high stakes game for the super rich. Hedge funds affect regular investors. They affect the markets as a whole.

My recent oversight of the SEC has convinced me that the Commission and the Self-Regulatory Organizations, SROs, need much more information about the activities of hedge funds in order to protect the markets from institutional insider trading and other potential abuses.

This legislation is one small, simple step toward greater transparency. All it does is require that hedge funds register and tell the regulators who they are. This is not a burden. It is just common sense. Organizations that wield hundreds of billions of dollars in market power every day need to register with the agency that Americans

rely on to regulate the financial markets.

The SEC has already attempted to do this by regulation. Congress needs to act because of a decision made last year by a Federal appeals court. In 2006, the DC Circuit Court of Appeals overturned an SEC administrative rule that required registration of hedge funds. That decision effectively ended all registration of hedge funds with the SEC, unless and until Congress takes action.

The Hedge Fund Registration Act would respond to that court decision by narrowing the current registration exemption and bring much needed transparency to hedge funds.

Most people say the devil is in the details. Well here they are. This bill would authorize the SEC to require all investment advisers, including hedge fund managers, to register with the SEC. Only those that meet all four of the following criteria would be exempt: 1. managed less than \$50 million, 2. had fewer than 15 clients, 3. did not hold himself out to the public as an investment advisor, and 4. managed the assets for fewer than 15 investors, regardless of whether investment is direct or through a pooled investment vehicle, such as a hedge fund.

The Hedge Fund Registration Act is a first step in ensuring that the SEC simply has clear authority to do what it already tried to do. Congress must act to ensure that our laws are kept up to date as new types of investments appear.

That said, this legislation didn't have many friends the last time I introduced it as an amendment. These funds don't want people to know what they do and have fought hard to keep it that way. Well, I think that is all the more reason to shed some sunlight on them to see what they're up to.

I urge my colleagues to cosponsor and support this legislation, as we work to protect all investors, large and small.

By Mr. INHOFE:

S. 1404. A bill to provide for Congressional authority with respect to certain acquisitions, mergers, and takeovers under the Defense Production Act of 1950; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INHOFE. Mr. President, this is an important issue, one I have raised many times over the years. I have testified before the Banking Committee, and introduced numerous bills.

It is not a new issue. There have been at least four high-profile times in the last 12 years where proposed foreign acquisitions in the U.S. have threatened our security.

In 1998, President Clinton tried to turn over management of a 144-acre terminal at the former U.S. Naval Station in Long Beach to the Chinese Ocean Shipping Company, COSCO—a subsidiary of the People's Liberation Army.

I am going to quote from an LA Times article from that time:

The embattled COSCO deal came to an end Thursday night, when congressional conferees submitted to Congress the 1998-99 Defense Authorization Bill . . . Leading the effort to block COSCO from the facility were Sen. James Inhofe (R-OK) and Rep. Duncan Hunter [of the] San Diego area.

That was one battle that we won.

Since working in 1995 to prevent Los Angeles ports from being controlled by Chinese interests, I have continued my pressure on the issue. For example, I expressed my concern with the CFIUS process over 2 years ago in the spring of 2005 when I delivered four speeches on China. While examining this issue I came across a disturbing example of China buying the U.S. company, Magnequench Inc., and moving it piecemeal back to mainland China.

Let me read from the floor speech I gave on April 4, 2005:

I believe that CFIUS does not have a broad enough conception of U.S. security. One example of CFIUS falling short is with Magnequench International Incorporated. In 1995 Chinese corporations bought GM's Magnequench, a supplier of rare earth metals used in the guidance systems of smart-bombs. Over twelve years, the company has been moved piecemeal to mainland China, leaving the U.S. with no domestic supplier of a critical component of rare-earth magnets. CFIUS approved this transfer.

The United States now has no domestic supplier of rare earth metals, which are essential for precision-guided munitions.

That was one we lost.

Following this series of four speeches that spring, on July 20, 2005, I introduced Senate amendment No. 1311 as an amendment to the annual National Defense Authorization Act for Fiscal Year 2006. My amendment prompted the very beginning of the legislative pursuit of this issue in recent years. For example, my amendment prompted another, later, second-degree amendment, Senate amendment No. 1335, by Senator SHELBY, then the chairman of the Senate Banking Committee.

I also testified before the U.S.-China Commission on July 21, 2005. The U.S.-China Economic and Security Review Commission is a bipartisan committee created in 2000 to monitor, investigate, and submit to Congress an annual report on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China.

The Commission is composed of 12 members, 3 of whom are selected by each of the majority and minority leaders of the Senate, and the Speaker and the minority leader of the House. The Commissioners serve 2-year terms.

Their recommendations are consistent with the amendment I introduced to the Defense authorization bill that would have made some of the necessary changes to CFIUS.

On September 28, 2005, the Government Accountability Office issued a report on CFIUS that is right in line with the recommendations of the US-China Commission. So this has not just been me saying that CFIUS is in need of

critical change—it's the U.S.-China Commission and the GAO as well.

When my amendment stalled over a committee jurisdictional point, on September 29, 2005, I chose to introduce the changes as a stand-alone bill, the Foreign Investment Security Act of 2005, S. 1797, which was referred to the Banking Committee. That bill was the first bill introduced in recent years on this topic.

Later the Banking Committee held a hearing on the GAO report, and I testified before them on October 20, 2005, at that hearing.

In all of these ways I have just mentioned, the Banking Committee was prompted by me to pursue this topic.

In the past couple of years, several high profile business deals have been approved by CFIUS that would allow foreign-owned companies, in particular companies that are owned or controlled by foreign governments, to acquire other companies doing business in the United States.

More recently I was concerned with China's state-owned CNOOC attempted to buyout Unocal, a US oil company. We won this one because of Congressional pressure, and CNOOC withdrew its bid. Over the past 2 years, I have been pointing out that the CFIUS process has ignored some major issues which threaten our national security.

The most publicized deal was the state owned Dubai Ports World, DPW, purchase of Peninsular and Oriental Steam Navigation, P&O, that would have allowed DPW to take over the operations at various east coast ports in the United States. The public outcry against this deal lead DPW to abandon its plans to operate the U.S. ports and that portion of the takeover was sold to U.S. based companies. However since the DPW-P&O deal was canceled, other transactions have been approved by CFIUS that are just as questionable.

CFIUS has received over 1,600 notifications and investigated under 40. Of those, only one acquisition has been stopped by the President.

This is a critical issue at a critical time. CFIUS seems to only get scrutiny when some major deal is in the papers. I have been paying attention to it all along. It needs reform, and I hope we can make some progress.

I am glad that Congress is now taking a closer look at CFIUS reform. Rest assured that I continue to push for this badly needed reform and as Congress addresses this issue, I will keep your thoughts in mind.

Note too that I will ensure in particular that the national security aspects of this work are appropriately attended to. I will not stand idly by and allow a bill that is weak on national defense to pass.

Let us all work together to ensure that the legislative process performs appropriately to defend our Nation, and let this bill I am introducing today be a new start.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 199—CALLING FOR THE IMMEDIATE AND UNCONDITIONAL RELEASE OF DR. HALEH ESFANDIARI

Mr. SMITH (for himself and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 199

Whereas Dr. Haleh Esfandiari is one of the United States's most distinguished analysts of Iranian politics and is the Director of the Middle East Program at the Woodrow Wilson International Center for Scholars;

Whereas Dr. Esfandiari is a dual citizen of Iran and the United States;

Whereas Dr. Esfandiari has served as a communications bridge between the United States and Iran, advocating diplomacy and dialogue;

Whereas Dr. Esfandiari travels to Iran twice a year to visit with her mother;

Whereas, in late December 2006, Dr. Esfandiari traveled to Iran to visit her ailing 93 year old mother for 1 week;

Whereas the current Iranian President, Mahmoud Ahmadinejad, has initiated a crackdown on scholars and journalists including Dr. Esfandiari, Canadian-Iranian philosopher Ramin Jahanbegloo, and journalist Parnaz Azima;

Whereas, on December 30, 2006, Dr. Esfandiari was robbed of her Iranian and American passports and travel documents at knife-point by 3 masked men on the way to the airport to return to the United States;

Whereas Dr. Esfandiari was held in Iran under house arrest for 4 months, interrogated under conditions of intimidation and threat, and, on May 8, 2007, was imprisoned in the notorious Evin prison in Tehran;

Whereas Dr. Esfandiari has been falsely accused by a news agency in Iran of being a spy for Mossad, of serving as the head of the Iran section of the American Israel Public Affairs Committee, and of encouraging an uprising against the regime in Tehran; and

Whereas senior government officials have conveyed the United States's opposition to this unjustified imprisonment: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the arrest, interrogation, and imprisonment of Dr. Haleh Esfandiari as a deliberately provocative and illegal act;

(2) deplors the continuing crackdown in Iran on journalists and scholars and the deliberate dissemination of misinformation regarding their activities; and

(3) demands the immediate, safe, and unconditional release of Dr. Haleh Esfandiari from custody, the reissuance of appropriate travel documents for Dr. Esfandiari, and the provision of safe passage out of Iran.

SENATE RESOLUTION 200—COMMENDING LOUISIANA JOCKEYS FOR THEIR CONTINUED SUCCESS IN THE KENTUCKY DERBY AT CHURCHILL DOWNS

Mr. VITTER. (for himself and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 200

Whereas jockey Calvin Borel successfully won the 133rd running of the Kentucky Derby at Churchill Downs on May 5, 2007;

Whereas Calvin Borel rallied Street Sense from 19th place to pass the pacesetter Hard

Spun in the stretch and draw away to a 2¼-length victory;

Whereas the victory was Calvin Borel's first in the Kentucky Derby;

Whereas Calvin Borel was born on November 7, 1966, in St. Martinsville, Louisiana;

Whereas Calvin Borel hails from South Louisiana, the heart of Cajun Country, famous for its production of many top jockeys during the last 20 years; and

Whereas Calvin Borel's victory in the 133rd running of the Kentucky Derby solidifies his place in a tradition of Louisiana jockeys who have won the Kentucky Derby, such as Eric Guerin (1947), Edward Delahoussaye (1982, 1983), Craig Perret (1990), and Kent Desormeaux (1998, 2000): Now, therefore, be it

Resolved, That the Senate—

(1) commends Louisiana jockeys for their continued success at one of America's most heralded thoroughbred horseracing events, the Kentucky Derby at Churchill Downs;

(2) recognizes jockey Calvin Borel for winning the 133rd running of the Kentucky Derby on May 5, 2007;

(3) recognizes the achievements of all the owners, trainers, and support staff who were instrumental in helping Calvin Borel and Street Sense to victory; and

(4) recognizes the achievements of all current and former Louisiana jockeys in the Kentucky Derby.

SENATE RESOLUTION 201—SUPPORTING THE GOALS AND IDEALS OF "NATIONAL LIFE INSURANCE AWARENESS MONTH"

Mr. CHAMBLISS. (for himself and Mr. NELSON) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 201

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2007 as "National Life Insurance Awareness Month" as a means to encourage consumers to—

(1) become more aware of their life insurance needs;

(2) seek professional advice regarding life insurance; and

(3) take the actions necessary to achieve financial security for their loved ones: Now therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Life Insurance Awareness Month"; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 202—DESIGNATING THE PERIOD BEGINNING ON MAY 14, 2007, AND ENDING ON MAY 18, 2007, AS “NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK”

Ms. STABENOW. (for herself and Ms. SNOWE, and Mr. WHITEHOUSE) submitted the following resolution; which was considered and agreed to:

S. RES. 202

Whereas the Healthcare Information and Management Systems Society has worked collaboratively with more than 48 stakeholder organizations for more than 45 years to transform health care with improved uses of information technology and management systems;

Whereas the Center for Information Technology Leadership estimated that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately \$77,000,000,000 in expenses relating to health care each year;

Whereas the RAND Corporation estimated that, if the health care system of the United States implemented the use of computerized medical records, the system could save the United States more than \$81,000,000,000 each year;

Whereas health care information technology has been shown to improve the quality and safety of the delivery of health care in the United States;

Whereas health care information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the health care system;

Whereas the President and Secretary of Health and Human Services have made a commitment to leveraging the benefits of the health care information technology and management systems by establishing the Office of the National Coordinator for Health Information Technology and the American Health Information Community;

Whereas Congress has placed an emphasis on improving the quality and safety of the delivery of health care in the United States; and

Whereas organizations across the country have come together to support National Health Information Technology Week to improve public awareness relating to the potential benefits of improved quality and cost efficiency that the health care system could achieve if health information technology were better utilized: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the value of information technology and management systems in transforming health care for all people in the United States;

(2) designates the period beginning on May 14, 2007, and ending on May 18, 2007, as “National Health Information Technology Week”; and

(3) encourages the use of information technology and management systems to transform the health care system in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1112. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and

for other purposes; which was ordered to lie on the table.

SA 1113. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1114. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1115. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1116. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1117. Mr. KENNEDY (for himself and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1118. Mr. GRAHAM (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1119. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1120. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1121. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1122. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1123. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

SA 1124. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to amendment SA 1123 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 2206, supra.

SA 1125. Mr. REID proposed an amendment to amendment SA 1124 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the amendment SA 1123 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 2206, supra.

SA 1126. Mr. REID proposed an amendment to the bill H.R. 2206, supra.

SA 1127. Mr. REID proposed an amendment to amendment SA 1126 proposed by Mr. REID to the bill H.R. 2206, supra.

SA 1128. Mr. REID proposed an amendment to amendment SA 1127 proposed by Mr. REID to the amendment SA 1126 proposed by Mr. REID to the bill H.R. 2206, supra.

SA 1129. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 1130. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1131. Mr. WARNER submitted an amendment intended to be proposed by him

to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1132. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1133. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1134. Mr. WARNER (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra.

SA 1135. Mr. MCCONNELL (for Mr. COCHRAN (for himself, Mr. WARNER, and Mr. BOND)) proposed an amendment to the bill H.R. 1495, supra.

TEXT OF AMENDMENTS

SA 1112. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 SAULT SAINTE MARIE, MICHIGAN.

(a) IN GENERAL.—Section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

“SEC. 1149. SAULT SAINTE MARIE, MICHIGAN.

“The Secretary shall construct, at Federal expense, a second lock, with a width of not less than 110 feet and a length of not less than 1,200 feet, adjacent to the lock at Sault Sainte Marie, Michigan, in existence on the date of enactment of the Water Resources Development Act of 2007, generally in accordance with the report of the Board of Engineers for Rivers and Harbors dated May 19, 1986, and the limited reevaluation report dated February 2004, at a total cost of \$341,714,000.”.

(b) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Paragraph (8) of section 107(a) of the Water Resources Development Act of 1990 (104 Stat. 4620).

(2) Section 330 of the Water Resources Development Act of 1996 (110 Stat. 3717).

(3) Section 330 of the Water Resources Development Act of 1999 (113 Stat. 305).

SA 1113. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5 CATASTROPHIC FLOODING RECOVERY.

(a) DEFINITION OF CATASTROPHIC FLOODING EVENT.—In this section, the term “catastrophic flooding event” includes a flooding event caused by—

- (1) the failure of a levee;
- (2) a natural disaster declared by the Federal Government; or

(3) inadequate flood damage reduction measures.

(b) **REPORTS.**—Not later than 90 days after the date on which a catastrophic flooding event occurs, as determined by the Secretary, the Secretary shall submit to Congress a report that contains specific project recommendations relating to flood damage reduction, hurricane protection, and environmental restoration to be carried out in response to the catastrophic flooding event.

(c) **FEASIBILITY STUDIES.**—

(1) **IN GENERAL.**—Not later than 90 days after the date on which a report described in subsection (b) is submitted to Congress, the Secretary shall initiate a feasibility study on each project included in the report.

(2) **DEADLINE.**—A feasibility study initiated under paragraph (1) shall be completed by not later than 3 years after the date of initiation.

(d) **PRECONSTRUCTION AND DESIGN ACTIVITIES.**—The Secretary shall begin development of preconstruction engineering and document design activities for a project on the later of—

(1) the date on which the feasibility report relating to the project is completed under subsection (c); and

(2) the date on which the Chief of Engineers submits to the Secretary a report approving the project.

SA 1114. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

Subtitle D—8/29 Commission

SEC. 2061. SHORT TITLE.

This subtitle may be cited as the “8/29 Commission Act”.

SEC. 2062. FINDINGS.

Congress finds that—

(1) Hurricanes Katrina and Rita, which struck the United States in 2005, caused almost \$200,000,000,000 in total economic losses, including insured and uninsured losses;

(2) multiple reviews have been conducted, and multiple commissions have been established, with respect to assessing the failure of levee systems and related infrastructure beginning in August 2005, but few definitive recommendations have been offered, and Congress has not been provided with specific proposals for action regarding the levees;

(3) to the extent the United States continues to face the possibility of another significant levee failure and the possible resulting devastation and damage, a proper technical and investigative review is needed; and

(4) the most efficient and effective approach to assessing the failure of the levees and subsequent devastation is—

(A) to establish a bipartisan commission of experts to study—

(i) the management, construction, and funding of levee, flood control, and hurricane protection projects; and

(ii) the means by which the Federal Government responds to catastrophic disasters and by which the Federal Government prepares and develops contingency plans and disaster preparations; and

(B) to require the Commission to timely report the recommendations of the Commission to Congress so that Congress can quickly identify any outstanding issues and deter-

mine a solution to protect residents of the United States.

SEC. 2063. ESTABLISHMENT OF 8/29 COMMISSION.

There is established a commission, to be known as the “8/29 Commission”, to examine the events beginning on August 29, 2005, with respect to the failure of levees in response to Hurricanes Katrina and Rita (referred to in this subtitle as the “Commission”).

SEC. 2064. MEMBERSHIP.

(a) **COMPOSITION.**—The Commission shall be composed of 12 members, of whom—

(1) 2 members shall be appointed by the President;

(2) 2 members shall be appointed by the Chairperson, in consultation with the Ranking Member, of the Committee on Environment and Public Works of the Senate;

(3) 2 members shall be appointed by the Chairperson, in consultation with the Ranking Member, of the Committee on Homeland Security and Governmental Affairs of the Senate;

(4) 2 members shall be appointed by the Chairperson, in consultation with the Ranking Member, of the Committee on Transportation and Infrastructure of the House of Representatives;

(5) 2 members shall be appointed by the Chairperson, in consultation with the Ranking Member, of the Committee on Homeland Security of the House of Representatives; and

(6) 2 members shall be appointed by the Governor of the State of Louisiana, subject to confirmation by the Committee on Environment and Public Works of the Senate.

(b) **CHAIRPERSON AND VICE CHAIRPERSON.**—

(1) **ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON.**—The Commission shall, by a majority of the members of the Commission, elect a Chairperson and a Vice Chairperson from among the members of the Commission.

(2) **POLITICAL AFFILIATION.**—The Chairperson and the Vice Chairperson elected by the members of the Commission under paragraph (1) shall not both be affiliated with the same political party.

(c) **PROHIBITION.**—No elected official of the Federal Government shall serve as a member of the Commission.

(d) **SENSE OF CONGRESS REGARDING QUALIFICATIONS.**—It is the sense of Congress that individuals appointed to the Commission should be—

(1) prominent United States citizens; and

(2) individuals who are nationally recognized for a significant depth of experience in professions such as—

(A) governmental service;

(B) engineering;

(C) public works;

(D) wetlands restoration;

(E) public administration;

(F) disaster planning and recovery; and

(G) environmental planning.

(e) **MEETINGS; QUORUM; VACANCIES.**—

(1) **INITIAL MEETING.**—If, on the date that is 60 days after the date of enactment of this Act, at least 8 members of the Commission have been appointed under subsection (a), the members may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(2) **SUBSEQUENT MEETINGS.**—After the initial meeting, the Commission shall meet at the call of the chairperson or a majority of the members of the Commission.

(3) **QUORUM.**—7 members of the Commission shall constitute a quorum.

(4) **VACANCIES.**—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

SEC. 2065. DUTIES OF COMMISSION.

The Commission shall—

(1) review findings and recommendations contained in all public and private studies conducted in the aftermath of the levee failures in the State of Louisiana on or after August 29, 2005, including—

(A) the study entitled “The Federal Response to Hurricane Katrina” and dated February 2006;

(B) the study entitled “Performance Review of FEMA’s Disaster Management Activities in Response to Hurricane Katrina”, numbered OIG–06–32, and dated March 2006;

(C) the study entitled “A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina” (Report No. 109–377) and dated February 15, 2006;

(D) the study entitled “Hurricane Katrina: A Nation Still Unprepared” (S. Rept. 109–322);

(E) the study entitled “Interagency Task Force Report” and dated June 1, 2006; and

(F) the study entitled “Prioritizing America’s Water Resources”, published by the National Associations of Public Administrators, and dated February 2007;

(2) examine and review the ongoing exposure of the United States to the levee failures described in paragraph (1) and other potential future levee failures; and

(3) submit to the President and Congress a report that contains recommendations for any necessary legislative or regulatory change that will—

(A) improve the functioning of the Corps of Engineers to prevent a catastrophic levee failure;

(B) ensure proper planning and review of Federal and State agencies to prevent such a failure in the future;

(C) provide for environmental management and recovery during and after a disaster;

(D) provide for the identification of each party that was responsible for each error that helped cause the events of August 29, 2005; and

(E) outline each proposal that is necessary to revise the management, planning, funding, and oversight of the levees and flood control projects that are located in the disaster affected areas.

SEC. 2066. POWERS OF COMMISSION.

(a) **IN GENERAL.**—

(1) **HEARINGS AND EVIDENCE.**—In carrying out the duties of the Commission under this subtitle, the Commission, and any subcommittee or member acting under the authority of the Commission, may—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission, subcommittee, or member, as applicable, determines to be appropriate; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission, subcommittee, or member, as applicable, determines to be appropriate.

(2) **SUBPOENAS.**—

(A) **IN GENERAL.**—A subpoena issued under paragraph (1)(B)—

(i) may be issued under the signature of the Chairperson of the Commission, with the concurrence of the Vice Chairperson of the Commission; and

(ii) may be served by any person designated by the Chairperson of the Commission.

(B) **APPLICABILITY OF REVISED STATUTES.**—Sections 102 through 104 of the Revised Statutes (2 U.S.C. 192 et seq.) shall apply in the case of a failure of any witness to comply

with a subpoena or to testify when summoned under authority of this section.

(b) **CONTRACTING.**—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to carry out the duties of the Commission under this subtitle.

(c) **INFORMATION FROM FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) **PROVISION OF INFORMATION.**—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(d) **ASSISTANCE FROM FEDERAL AGENCIES.**—

(1) **GENERAL SERVICES ADMINISTRATION.**—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support and other services to assist the Commission in carrying out the duties of the Commission under this subtitle.

(2) **OTHER DEPARTMENTS AND AGENCIES.**—In addition to the assistance prescribed under paragraph (1), any other Federal department or agency may provide to the Commission such services, funds, facilities, staff, and other support services as the head of the department or agency determines to be appropriate and in accordance with applicable law.

(e) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(f) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 2067. STAFF OF THE COMMISSION.

(a) **STAFF.**—

(1) **IN GENERAL.**—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) **CONFIRMATION OF EXECUTIVE DIRECTOR.**—The employment of an executive director shall be subject to confirmation by the Commission.

(3) **COMPENSATION.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) **MAXIMUM RATE OF PAY.**—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) **PERSONNEL AS FEDERAL EMPLOYEES.**—

(1) **IN GENERAL.**—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(2) **MEMBERS OF COMMISSION.**—Paragraph (1) shall not apply to any member of the Commission.

(c) **DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.**—

(1) **IN GENERAL.**—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) **CIVIL SERVICE STATUS.**—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(d) **CONSULTANT SERVICES.**—The Commission may procure the services of any expert

or consultant, in accordance with section 3109 of title 5, United States Code, at a rate not to exceed the daily rate of pay of an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 2068. REPORT.

Not later than 120 days after the date on which all members of the Commission are appointed under section 2064(a), the Commission shall submit to the President and Congress a final report that contains—

(1) a detailed statement of the findings of the Commission; and

(2) any recommendations of the Commission for legislative or administrative action that the Commission determines to be appropriate.

SEC. 2069. TERMINATION.

The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the final report under section 2068.

SEC. 2070. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$5,000,000 to carry out this subtitle.

SA 1115. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804; 114 Stat. 2612), is modified to authorize the Secretary to review the project to determine whether any additional Federal interest exists with respect to the project, taking into consideration conditions and development levels relating to the project in existence on the date of enactment of this Act.

SA 1116. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5. ENVIRONMENTAL ASSISTANCE PROGRAM, COLORADO.

(a) **ESTABLISHMENT.**—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in the State of Colorado (referred to in this section as the “State”).

(b) **FORM OF ASSISTANCE.**—Assistance under this section may be provided in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the State, including projects for—

(1) wastewater treatment and related facilities;

(2) water supply and related facilities;

(3) water conservation and related facilities;

(4) stormwater retention and remediation;

(5) environmental restoration; and

(6) surface water resource protection and development.

(c) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) **LOCAL COOPERATION AGREEMENT.**—

(1) **IN GENERAL.**—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) **REQUIREMENTS.**—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) **PLAN.**—Development by the Secretary, in consultation and coordination with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) **LEGAL AND INSTITUTIONAL STRUCTURES.**—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) **COST SHARING.**—

(A) **IN GENERAL.**—The Federal share of project costs under each local cooperation agreement entered into under this subsection—

(i) shall be 75 percent; and

(ii) may be in the form of grants or reimbursements of project costs.

(B) **PRE-COOPERATIVE AGREEMENT ACTIVITIES.**—The Federal share of the cost of activities carried out by the Secretary under this section before the execution of a local cooperative agreement shall be 100 percent.

(C) **CREDIT FOR DESIGN WORK.**—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of a project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for the project.

(D) **CREDIT FOR INTEREST.**—In case of a delay in the funding of the Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the Federal share of the costs of the project.

(E) **LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.**—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(F) **OPERATION AND MAINTENANCE.**—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) **APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.**—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$50,000,000 for the period beginning with fiscal year 2008, to remain available until expended.

SA 1117. Mr. KENNEDY (for himself and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, after line 23, insert the following, and redesignate the subsequent paragraphs accordingly:

(5) LAWRENCE GATEWAY, MASSACHUSETTS.—Project for aquatic ecosystem restoration at the Lawrence Gateway quadrant project along the Merrimack and Spicket Rivers in Lawrence, Massachusetts, in accordance with the general conditions established by the project approval of the Environmental Protection Agency, Region I, including filling abandoned drainage facilities and making improvements to the drainage system on the Lawrence Gateway to prevent continued migration of contaminated sediments into the river systems.

SA 1118. Mr. GRAHAM (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1065 proposed by Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 4028 (relating to Jasper County port facility study, South Carolina) and insert the following:

SEC. 4028. PROJECTS FOR IMPROVEMENT, SAVANNAH RIVER, SOUTH CAROLINA AND GEORGIA.

(a) IN GENERAL.—The Secretary shall determine the feasibility of carrying out projects—

(1) to improve the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, in the vicinity of Mile 6 of the Savannah Harbor entrance channel; and

(2) to remove from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project.

(b) FACTORS FOR CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area as a consequence of removing from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project; and

(3) the results of the proposed bistate compact between the State of Georgia and the State of South Carolina to own, develop, and operate port facilities at the proposed Jasper County port site, as described in the term sheet executed by the Governor of the State

of Georgia and the Governor of the State of South Carolina on March 12, 2007.

SA 1119. Mr. HARKIN submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3. PERRY CREEK, IOWA.

(a) IN GENERAL.—On making a determination described in subsection (b), the Secretary shall increase the Federal contribution for the project for flood control, Perry Creek, Iowa, authorized under section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4116; 117 Stat. 1844).

(b) DETERMINATION.—A determination referred to in subsection (a) is a determination that a modification to the project described in that subsection is necessary for the Federal Emergency Management Agency to certify that the project provides flood damage reduction benefits to at least a 100-year level.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$4,000,000.

SA 1120. Mr. DOMENICI submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5. SOUTHWEST FLOOD DAMAGE AND SEDIMENT TRANSPORT RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish within the Corps of Engineers Engineering Research and Development Center the Southwest Flood Damage and Sediment Transport Research Program (referred to in this section as the “program”), under which the Secretary shall carry out research, development, and demonstration projects on arid systems with respect to—

(1) sediment transport, erosion, and deposition;

(2) geomorphology;

(3) flooding;

(4) channel restoration; and

(5) related activities.

(b) COORDINATION.—The Secretary shall coordinate projects carried out under the program with—

(1) the New Mexico District Office of the Corps of Engineers;

(2) the University of New Mexico; and

(3) the Desert Research Institute.

SA 1121. Mr. DOMENICI submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the

United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5. COMPUTER-ASSISTED DISPUTE RESOLUTION PROGRAM.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the Corps of Engineers Institute for Water Resources a computer-assisted dispute resolution program (referred to in this section as the “program”) to develop and advance the integration of computer-based modeling tools for multistakeholder public decision processes, including through—

(1) the conduct of research and development of necessary computer tools;

(2) the implementation of appropriate demonstration projects;

(3) the establishment of applicable training programs; and

(4) the conduct of other outreach activities.

(b) AUTHORIZED ACTIVITIES.—In carrying out the program, the Secretary shall—

(1) in cooperation with other applicable Federal agencies, establish an interagency center for computer-assisted dispute resolution; and

(2) consult with—

(A) other Federal agencies;

(B) State and local agencies;

(C) private nonprofit and for-profit organizations; and

(D) research facilities at institutions of higher education.

(c) EVALUATION.—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the appropriate committees of Congress a comprehensive evaluation of the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 1122. Mr. LOTT submitted an amendment intended to be proposed by her to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3. JACKSON COUNTY, MISSISSIPPI.

(a) MODIFICATION.—Section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) is amended by striking “\$5,000,000” and inserting “\$9,000,000”.

(b) APPLICABILITY OF CREDIT.—The credit provided by section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) (as modified by subsection (a)) shall apply to costs incurred by the Jackson County Board of Supervisors during the period beginning on February 8, 1994, and ending on the date of enactment of this Act for projects authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 113 Stat. 1494; 114 Stat. 2763A–219).

SA 1123. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2206, making

emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring), That it is the Sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

SA 1124. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to amendment SA 1123 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Strike all after the first word and insert the following:

Under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and

Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 1 day after the date of enactment.

SA 1125. Mr. REID proposed an amendment to amendment SA 1124 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the amendment SA 1123 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Strike all after Constitution in line 1 and insert the following:

The President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the

Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 2 days after date of enactment.

SA 1126. Mr. REID proposed an amendment to the bill H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Strike all after the first word and insert the following:

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 5 days after date of enactment.

SA 1127. Mr. REID proposed an amendment to amendment SA 1126 proposed by Mr. REID to the bill H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

In the amendment strike all after Congress in line 1 and insert the following:

have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and

the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined By the Senate (the House of Representatives) Concurring), that it is the Sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 4 days after the date of enactment.

SA 1128. Mr. REID proposed an amendment to amendment SA 1127 proposed by Mr. REID to the amendment SA 1126 proposed by Mr. REID to the bill H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of the amendment add the following:

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring), that it is the sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

This section shall take effect 3 days after the date of enactment.

SA 1129. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5. COST SHARING PROVISIONS FOR THE TERRITORIES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended—

(1) by striking “The Secretary” and inserting the following:

“(a) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(b) USE OF FEDERAL FUNDS BY NON-FEDERAL INTERESTS.—A non-Federal interest may use Federal funds to provide the non-Federal share of the costs of a study or project carried out at a location referred to in subsection (a), if the agency or department that provides the Federal funds determines that the funds are eligible to be used for that purpose.”.

SA 1130. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘Iraq War De-Escalation Act of 2007’.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress and the Nation honor the courage, sacrifices, and efforts of the members of the Armed Forces of the United States and their families.

(2) In his speech to the Nation on January 10, 2007, President George W. Bush said that ‘I’ve made it clear to the Prime Minister and Iraq’s other leaders that America’s commitment is not open-ended. If the Iraqi government does not follow through on its promises, it will lose the support of the American people . . . The Prime Minister understands this’.

(3) In that speech, President George W. Bush also told the Nation that ‘America will

hold the Iraqi government to the benchmarks it has announced . . . [T]o take responsibility for security in all of Iraq’s provinces by November. To give every Iraqi citizen a stake in the country’s economy, Iraq will pass legislation to share oil revenues among all Iraqis. To show that it is committed to delivering a better life, the Iraqi government will spend \$10,000,000,000 of its own money on reconstruction and infrastructure projects that will create new jobs. To empower local leaders, Iraqis plan to hold provincial elections later this year. And to allow more Iraqis to re-enter their nation’s political life, the government will reform deBaathification laws, and establish a fair process for considering amendments to Iraq’s constitution’.

(4) In that speech, President George W. Bush also told the Nation that ‘only Iraqis can end the sectarian violence and secure their people’.

(5) On December 18, 2006, former Secretary of State Colin Powell stated: ‘[s]o we have tried this surge of troops over the summer. I am not persuaded that another surge of troops in Baghdad for the purpose of suppressing this communitarian violence, this civil war, will work’.

(6) On November 15, 2006, General John Abizaid, Commander of the United States Central Command, stated before the Committee on Armed Services of the Senate that ‘I met with every divisional commander, General Casey, the corps commander, General Dempsey. We all talked together. And I said, in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no. And the reason is, because we want the Iraqis to do more. It’s easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future’.

(7) In testimony before the Committee on Foreign Relations of the Senate on January 11, 2007, Secretary of State Condoleezza Rice stated that unless the Government of Iraq has met certain benchmarks and reestablishes the confidence of the Iraqi people over the next several months, ‘this plan is not going to work’.

(8) In a statement on January 11, 2007, Secretary of Defense Robert Gates stated ‘[a]nd we will probably have a better view a couple of months from now in terms of whether we are making headway in terms of getting better control of Baghdad, with the Iraqis in the lead and with the Iraqis beginning to make better progress on the reconciliation process’.

(9) The bipartisan Iraq Study Group headed by former Secretary of State James Baker and former Representative Lee Hamilton reached a bipartisan consensus on 79 separate recommendations for a new approach in Iraq. Among those recommendations were calling for a new diplomatic offensive in the region and conditioning American economic assistance to Iraq on specific benchmarks, with the expectation that ‘by the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq’.

(10) In reaction to the speech of President George W. Bush on January 10, 2007, former Secretary of State Baker and former Representative Hamilton wrote that ‘[t]he President did not suggest the possibility of a transition that could enable U.S. combat forces to begin to leave Iraq. The President did not state that political, military, or economic support for Iraq would be conditional on the Iraq government’s ability to meet benchmarks. Within the region, the President did

not announce an international support group for Iraq including all of Iraq's neighbors.

(b) **PURPOSE.**—The purposes of this Act are as follows:

(1) To formulate and provide for the implementation of an effective United States policy towards Iraq and the Middle East region that employs military, political, diplomatic, and economic assets to promote and protect the national security interests of the United States.

(2) To provide for the implementation of a responsible, phased redeployment of the Armed Forces of the United States from Iraq in a substantial and gradual manner that places the highest priority on protecting the lives of members of the Armed Forces and civilian personnel of the United States and on promoting the national security interests of the United States in the Middle East region.

(3) To urge the political parties and leaders of Iraq to reach the political solution necessary to promote stability in Iraq and enhance the safety of innocent Iraqi civilians.

(4) To condition future economic assistance to the Government of Iraq on significant progress toward the achievement of political and economic measures to be taken by the Government of Iraq.

(5) To provide for the initiation of a wider and sustained diplomatic strategy aimed at promoting a political settlement in Iraq, thereby ending the civil war in Iraq, preventing a humanitarian catastrophe in Iraq, and preventing a wider regional conflict.

(6) To provide, through sections 4 through 7, for the implementation of key recommendations of the Iraq Study Group, a bipartisan panel of experts cochaired by former Secretary of State James Baker and former Representative Lee Hamilton.

SEC. 3. APPROPRIATE FORCE LEVELS FOR UNITED STATES MILITARY FORCES IN IRAQ.

Notwithstanding any other provision of law, the levels of the Armed Forces of the United States in Iraq after the date of the enactment of this Act shall not exceed the levels of such forces in Iraq as of January 10, 2007, without specific authority in statute enacted by Congress after the date of the enactment of this Act.

SEC. 4. REDEPLOYMENT OF UNITED STATES MILITARY FORCES FROM IRAQ.

(a) REDEPLOYMENT.—

(1) **DEADLINE FOR COMMENCEMENT OF REDEPLOYMENT.**—Except as otherwise provided in this section, the phased redeployment of the Armed Forces of the United States from Iraq shall commence as soon as possible but no later than 30 days after enactment of this Act.

(2) **SCOPE AND MANNER OF REDEPLOYMENT.**—The redeployment of the Armed Forces under this section shall be substantial, shall occur in a gradual manner, and shall be executed at a pace to achieve the goal of the complete redeployment of all United States combat brigades from Iraq by March 31, 2008, consistent with the expectation of the Iraq Study Group, if all the matters set forth in subsection (b)(1)(B) are not met by such date, subject to the exceptions for retention of forces for force protection, counter-terrorism operations, training of Iraqi forces, and other purposes as contemplated by subsection (g).

(3) **FORMULATION OF PLAN WITH MILITARY COMMANDERS.**—The redeployment of the Armed Forces under this section should be conducted pursuant to a plan formulated by United States military commanders that is developed, if practicable, in consultation with the Government of Iraq.

(4) **PROTECTION OF UNITED STATES FORCES AND CIVILIAN PERSONNEL.**—In carrying out the redeployment of the Armed Forces under this section, the highest priority shall be af-

forded to the safety of members of the Armed Forces and civilian personnel of the United States in Iraq.

(b) SUSPENSION OF REDEPLOYMENT.—

(1) **IN GENERAL.**—The President may suspend, on a temporary basis as provided in paragraph (2), the redeployment of the Armed Forces under this section if the President certifies to the President pro tempore of the Senate and the Speaker of the House of Representatives that—

(A) doing so is in the national security interests of the United States; and

(B) the Government of Iraq—

(i) has lifted all restrictions concerning non-interference in operations of the Armed Forces of the United States in Iraq and does so on a continuing basis;

(ii) is making significant progress in reducing sectarian violence in Iraq and in reducing the size and operational effectiveness of sectarian militias in Iraq;

(iii) is making significant progress towards removing militia elements from the Iraqi Army, National Police, Facilities Protection Services, and other security forces of the Government of Iraq;

(iv) has enacted legislation or established other binding mechanisms to ensure the sharing of all Iraqi oil revenues among all segments of Iraqi society in an equitable manner;

(v) is making significant progress towards making available not less than \$10,000,000,000 for reconstruction, job creation, and economic development in Iraq, with safeguards to prevent corruption, by January 10, 2008;

(vi) has deployed at least 18 Iraqi Army and National Police brigades to Baghdad and is effectively ensuring that such units are performing their security and police functions in all Baghdad neighborhoods, regardless of their sectarian composition;

(vii) has enacted legislation or established other binding mechanisms to revise its de-Baathification laws to encourage the employment in the Government of Iraq of qualified Iraqi professionals, irrespective of ethnic or political affiliation, including ex-Baathists who were not leading figures of the Saddam Hussein regime;

(viii) has established a fair process for considering amendments to the constitution of Iraq that promote lasting national reconciliation in Iraq;

(ix) is making significant progress towards assuming full responsibility for security in all the provinces of Iraq by November 30, 2007;

(x) is making significant progress towards holding free and fair provincial elections in Iraq at the earliest date practicable, but not later than December 31, 2007;

(xi) is making substantial progress towards increasing the size and effectiveness of Ministry of Defense forces as described on page 11 of 'Highlights of the Iraq Strategy Review' published by the National Security Council in January 2007;

(xii) is making significant progress in reforming and strengthening the civilian ministries and other government institutions that support the Iraqi Army and National Police; and

(xiii) is making significant progress towards reforming its civilian ministries to ensure that they are not administered on a sectarian basis and that government services are delivered in an even-handed and non-sectarian manner.

(2) **PERIOD OF SUSPENSION.**—A suspension of the redeployment of the Armed Forces under this subsection, including any renewal of the suspension under paragraph (3), shall be for a period not to exceed 90 days.

(3) **RENEWAL.**—A suspension of the redeployment of the Armed Forces under this subsection may be renewed. Any such re-

newal shall include a certification to the officers referred to in paragraph (1) on the matters set forth in clauses (i) through (xiii) of subparagraph (B) of that paragraph.

(c) DISAPPROVAL OF SUSPENSION.—

(1) **DISAPPROVAL.**—If Congress enacts a joint resolution disapproving the suspension of the redeployment of the Armed Forces under subsection (b), or any renewal of the suspension, the suspension shall be discontinued, and the redeployment of the Armed Forces from Iraq under this section shall resume.

(2) PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS.—

(A) **JOINT RESOLUTION DEFINED.**—For purposes of this subsection, the term 'joint resolution' means only a joint resolution introduced not later than 10 days after the date on which a certification of the President under subsection (b) is received by Congress, the matter after the resolving clause of which is as follows: 'That Congress disapproves the certification of the President submitted to Congress under section 4(b) of the Iraq War De-Escalation Act of 2007, on XXXXXXXX', the blank space being filled in with the appropriate date.

(B) **PROCEDURES.**—A joint resolution described in paragraph (1) shall be considered in a House of Congress in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as enacted by section 101 (h) of Public Law 98-473; 98 Stat. 1936).

(d) REPORTS TO CONGRESS.—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report describing and assessing—

(A) the progress made by the Government of Iraq on each of the matters set forth in subsection (b)(1)(B); and

(B) the progress of the redeployment required by subsection (a).

(2) **FORM.**—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(e) **SENSE OF CONGRESS ON LOCATION OF REDEPLOYMENT.**—It is the sense of Congress that, in redeploying the Armed Forces from Iraq under this section, appropriate units of the Armed Forces should be redeployed—

(1) to the United States;

(2) to Afghanistan, in order to enhance United States military operations in that country;

(3) elsewhere in the region, to serve as an over-the-horizon force to prevent the conflict in Iraq from becoming a wider war, to reassure allies of the United States of the commitment of the United States to remain engaged in the region, and to position troops to strike directly at al-Qaeda; and

(4) elsewhere, to meet urgent United States security needs.

(f) **POLITICAL SOLUTION IN IRAQ.**—The United States should use the redeployment of the Armed Forces under this section, and the possible suspension of such redeployment if the benchmarks set forth in subsection (b) are met, as a tool to press the Iraqi leaders to promote national reconciliation among ethnic and religious groups in Iraq in order to establish stability in Iraq.

(g) RETENTION OF CERTAIN FORCES IN IRAQ.—

(1) **IN GENERAL.**—Notwithstanding the requirement for the redeployment of the Armed Forces under subsection (a) and subject to the provisions of this subsection, personnel of the Armed Forces of the United States may be in Iraq after the completion of the redeployment of the Armed Forces under this section for the following purposes:

(A) To protect United States personnel and facilities in Iraq.

(B) To conduct targeted counter-terrorism operations.

(C) To provide training for Iraqi security forces.

(D) To conduct the routine functions of the Office of Defense Attache.

(2) **CERTIFICATION.**—Personnel of the Armed Forces may not be retained in Iraq under this subsection unless the President certifies to the President pro tempore of the Senate and the Speaker of the House of Representatives that—

(A) the retention of the Armed Forces in Iraq is necessary for one or more of the purposes set forth in paragraph (1); and

(B) the utilization of Armed Forces positioned outside Iraq could not result in the effective achievement of such purpose or purposes.

(3) **DISAPPROVAL OF RETENTION.**—If Congress enacts a joint resolution disapproving the retention of personnel of the Armed Forces in Iraq under this subsection, or any renewal of the retention, the retention of such personnel in Iraq shall be discontinued, and such personnel shall be redeployed from Iraq.

(4) **PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS.**—

(A) **JOINT RESOLUTION DEFINED.**—For purposes of paragraph (3), the term ‘joint resolution’ means only a joint resolution introduced not later than 10 days after the date on which a certification of the President under paragraph (2) is received by Congress, the matter after the resolving clause of which is as follows: ‘That Congress disapproves the certification of the President submitted to Congress under section 4(g)(2) of the Iraq War De-Escalation Act of 2007, on XXXXXXXX’, the blank space being filled in with the appropriate date.

(B) **PROCEDURES.**—A joint resolution described in subparagraph (A) shall be considered in a House of Congress in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1995 (as enacted by section 101(h) of Public Law 98-473; 98 Stat. 1936).

(h) **NO PERMANENT BASES.**—Congress hereby reaffirms section 1519 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2444), and related provisions of law, that prohibit the establishment of military installations or bases for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

SEC. 5. INTENSIFICATION OF TRAINING OF IRAQI SECURITY FORCES.

It shall be the policy of the United States to immediately formulate and implement a plan that—

(1) with the Government of Iraq—

(A) removes militia elements from the Iraqi Army, National Police, and other security forces of the Government of Iraq; and

(B) puts such forces in charge of maintaining security in Iraq;

(2) focuses and intensifies United States efforts on training such forces; and

(3) presses the Government of Iraq to reform the civilian ministries and other government institutions that support the Iraqi Army, National Police, local police, and judicial system.

SEC. 6. AVAILABILITY OF ECONOMIC ASSISTANCE FOR IRAQ.

(a) **LIMITATION.**—Except as provided in subsection (b), economic assistance may not be furnished to the Government of Iraq beginning 30 days from the date of enactment of this Act until the President submits to the

President pro tempore of the Senate and the Speaker of the House of Representatives a certification that the Government of Iraq—

(1) is making measurable progress toward providing not less than \$10,000,000,000 of Iraqi funds for reconstruction, job creation, and economic development in Iraq, with safeguards to prevent corruption, by January 10, 2008;

(2) is making progress toward meeting the conditions set forth in the International Compact for Iraq and in the stand-by agreement with the International Monetary Fund; and

(3) is making progress toward reducing sectarian violence and promoting national reconciliation.

(b) **EXCEPTIONS.**—The limitation in subsection (a) shall not apply to assistance for Iraq as follows:

(1) Humanitarian assistance.

(2) Assistance to address urgent security and employment needs.

(c) **ASSESSMENT OF PROGRESS.**—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Special Inspector General for Iraq Reconstruction shall submit to Congress a report describing the progress of the Government of Iraq on each matter set forth in subsection (a).

SEC. 7. REGIONAL DIPLOMATIC INITIATIVES ON IRAQ.

(a) **POLICY OF THE UNITED STATES.**—It shall be the policy of the United States to undertake comprehensive regional and international initiatives, involving key nations, that will assist the Government of Iraq in achieving the purposes of this Act, including promoting a political settlement among the Iraqi people, ending the civil war in Iraq, preventing a humanitarian catastrophe in Iraq, and preventing a regional conflict.

(b) **SPECIAL ENVOY.**—The President should, not later than 60 days after the date of the enactment of this Act, appoint a special envoy for Iraq to carry out the policy set forth in subsection (a).

(c) **STRATEGY ON PREVENTING WIDER REGIONAL WAR.**—

(1) **STRATEGY.**—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report setting forth a strategy for preventing the conflict in Iraq from becoming a wider regional war.

(2) **FORM.**—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SA 1131. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike paragraph (42) of section 1001 and insert the following:

(42) **CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA.**—Notwithstanding any other provision of law, the Secretary shall design and construct a project for navigation, Craney Island Eastward Expansion, Virginia, in accordance with the recommendations contained in the Report of the Chief of Engineers dated October 24, 2006, at a total cost of \$721,103,000, with an estimated non-Federal share of not more than 50 percent of the total cost of construction of the project.

SA 1132. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2. LIST OF CERTAIN AUTHORIZED PROJECTS THAT HAVE NOT RECEIVED FEDERAL CONSTRUCTION FUNDS.

(a) **IN GENERAL.**—Not less frequently than once each year, the Secretary shall develop, and publish in the Federal Register and on the Internet, a list, to be known as the ‘Project Transparency List’, of projects of the Corps of Engineers that—

(1) have been authorized in a water resources Act; but

(2) have not received Federal funds for purposes of construction of the project as of the date that is 4 years after the date on which the project is authorized.

(b) **INCLUSIONS.**—The list under subsection (a) shall include, with respect to each project included on the list—

(1) a description of—

(A) the date on which the project was authorized;

(B) the primary purpose of the project;

(C) each allocation of Federal funds made to the project as of the date on which the list is published, including a description of the amount and type of the allocation;

(D) the percentage of construction completed for the project;

(E) the estimated total amount that has been obligated to the project as of the date on which the list is published;

(F) a benefit-cost analysis of the project, expressed as a ratio that represents—

(i) current discount rates; and

(ii) includes the estimated annual benefits and costs of the project;

(G) the date of collection of any economic data used to justify the project;

(H) the date of completion of the most recent feasibility study, reevaluation report, and environmental review, as applicable, relating to the project;

(I) in any case in which a portion of construction of the project is completed, a benefit-cost analysis of each remaining activity required to complete the construction; and

(J) the projected potential date of deauthorization of the project under subsection (c); and

(2) a brief explanation of any reason why Federal funds have not been obligated for construction of the project.

(c) **REQUIRED DEAUTHORIZATION.**—

(1) **IN GENERAL.**—Each project of the Corps of Engineers that has been authorized in a water resources Act, but has not received Federal funds for purposes of construction of the project as of the date that is 7 years after the date on which the project is authorized, shall be deauthorized, regardless of whether the project is included in the list under subsection (a).

(2) **TREATMENT OF CERTAIN FUNDS.**—For purposes of paragraph (1), funds shall not be considered to be Federal funds for purposes of construction if the funds were provided to carry out any activity for a project relating to—

(A) a study;

(B) planning;

(C) engineering and design;

(D) relocation or an acquisition of land; or

(E) an easement or a right-of-way.

SA 1133. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2. LIST OF CERTAIN AUTHORIZED PROJECTS THAT HAVE NOT RECEIVED FEDERAL CONSTRUCTION FUNDS.

(a) IN GENERAL.—Not less frequently than once each year, the Secretary shall develop, and publish in the Federal Register and on the Internet, a list, to be known as the “Project Transparency List”, of projects of the Corps of Engineers that—

(1) have been authorized in a water resources Act; but

(2) have not received Federal funds for purposes of construction of the project as of the date that is 4 years after the date on which the project is authorized.

(b) INCLUSIONS.—The list under subsection (a) shall include, with respect to each project included on the list—

(1) a description of—

(A) the date on which the project was authorized;

(B) the primary purpose of the project;

(C) each allocation of Federal funds made to the project as of the date on which the list is published, including a description of the amount and type of the allocation;

(D) the percentage of construction completed for the project;

(E) the estimated total amount that has been obligated to the project as of the date on which the list is published;

(F) a benefit-cost analysis of the project, expressed as a ratio that represents—

(i) current discount rates; and

(ii) includes the estimated annual benefits and costs of the project;

(G) the date of collection of any economic data used to justify the project;

(H) the date of completion of the most recent feasibility study, reevaluation report, and environmental review, as applicable, relating to the project; and

(I) in any case in which a portion of construction of the project is completed, a benefit-cost analysis of each remaining activity required to complete the construction; and

(2) a brief explanation of any reason why Federal funds have not been obligated for construction of the project.

(c) TREATMENT OF CERTAIN FUNDS.—For purposes of this section, funds shall not be considered to be Federal funds for purposes of construction if the funds were provided to carry out any activity for a project relating to—

(1) a study;

(2) planning;

(3) engineering and design;

(4) relocation or an acquisition of land; or

(5) an easement or a right-of-way.

SA 1134. Mr. WARNER (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to

rivers and harbors of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —PRESIDENT'S STRATEGY IN IRAQ

SEC. 1. FINDINGS REGARDING PROGRESS IN IRAQ. THE ESTABLISHMENT OF BENCHMARKS TO MEASURE THAT PROGRESS, AND REPORTS TO CONGRESS.

(a) Congress makes the following findings:

(1) Over 145,000 American military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States armed forces, and are deserving of the strong support of all Americans;

(2) Many American service personnel have lost their lives, and many more have been wounded in Iraq; the American people will always honor their sacrifice and honor their families;

(3) The United States Army and Marine Corps, including their Reserve components and National Guard organizations, together with components of the other branches of the military, are performing their missions while under enormous strain from multiple, extended deployments to Iraq and Afghanistan. These deployments, and those that will follow, will have a lasting impact on future recruiting, retention, and readiness of our nation's all volunteer force;

(4) Iraq is experiencing a deteriorating problem of sectarian and intrasectional violence based upon political distrust and cultural differences among factions of the Sunni and Shia populations;

(5) Iraqis must reach political and economic settlements in order to achieve reconciliation, for there is no military solution. The failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq;

(6) The responsibility for Iraq's internal security and halting sectarian violence rests with the sovereign Government of Iraq;

(7) In December 2006, the bipartisan Iraq Study Group issued a valuable report, suggesting a comprehensive strategy that includes new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq, that will enable the United States to begin to move its combat forces out of Iraq responsibly;

(8) The President said on January 10, 2007, that “I’ve made it clear to the Prime Minister and Iraq’s other leaders that America’s commitment is not openended” so as to dispel the contrary impression that exists;

(9) It is essential that the sovereign Government of Iraq set out measurable and achievable benchmarks and President Bush said, on January 10, 2007, that “America will change our approach to help the Iraqi government as it works to meet these benchmarks”;

(10) As reported by Secretary of State Rice, Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006 that were (a) reaffirmed by Iraq's Presidency Council on October 6, 2006; (b) referenced by the Iraq Study Group; and (c) posted on the President of Iraq's website;

(11) On April 21, 2007, Secretary of Defense Robert Gates stated that “our [American] commitment to Iraq is long-term, but it is not a commitment to have our young men and women patrolling Iraq's streets openendedly” and that “progress in reconcili-

ation will be an important element of our evaluation”;

(12) The President's January 10, 2007 address had three components: political, military, and economic. Given that significant time has passed since his statement, and recognizing the overall situation is ever changing, Congress must have timely reports to evaluate and execute its Constitutional oversight responsibilities.

SEC. 2. CONDITIONING OF FUTURE UNITED STATES STRATEGY IN IRAQ ON THE IRAQI GOVERNMENT'S RECORD OF PERFORMANCE ON ITS BENCHMARKS.

(a) IN GENERAL.—(1) The United States strategy in Iraq, hereafter, shall be conditioned on the Iraqi government meeting benchmarks, as told to members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the Iraqi Government's commitments to the United States, and to the international community, including:

(A) Forming a Constitutional Review Committee and then completing the Constitutional review;

(B) Enacting and implementing legislation on de-Baathification;

(C) Enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner;

(D) Enacting and implementing legislation on procedures to form semi-autonomous regions;

(E) Enacting and implementing legislation establishing an Independent High Electoral Commission; provincial elections law; provincial council authorities; and a date for provincial elections;

(F) Enacting and implementing legislation addressing amnesty;

(G) Enacting and implementing legislation establishing a strong militia disarmament program to ensure that such security forces are accountable only to the central government and loyal to the Constitution of Iraq;

(H) Establishing supporting political, media, economic, and services committees in support of the Baghdad Security Plan;

(I) Providing three trained and ready Iraqi brigades to support Baghdad operations;

(J) Providing Iraqi commanders with all authorities to execute this plan and to make tactical and operational decisions, in consultation with U.S. commanders, without political intervention, to include the authority to pursue all extremists, including Sunni insurgents and Shiite militias;

(K) Ensuring that the Iraqi Security Forces are providing even-handed enforcement of the law;

(L) Ensuring that, according to President Bush, Prime Minister Maliki said “the Baghdad security plan will not provide a safe haven for any outlaws, regardless of [their] sectarian or political affiliation”;

(M) Reducing the level of sectarian violence in Iraq and eliminating militia control of local security;

(N) Establishing all of the planned joint security stations in neighborhoods across Baghdad;

(O) Increasing the number of Iraqi security forces units capable of operating independently;

(P) Ensuring that the rights of minority political parties in the Iraqi legislature are protected;

(Q) Allocating and spending \$10 billion in Iraqi revenues for reconstruction projects,

including delivery of essential services, on an equitable basis; and

(R) Ensuring that Iraq's political authorities are not undermining or making false accusations against members of the ISF.

(2) The President shall submit reports to Congress on how the sovereign Government of Iraq is, or is not, achieving progress towards accomplishing the aforementioned benchmarks, and shall advise the Congress on how that assessment requires, or does not require, changes to the strategy announced on January 10, 2007.

(b) REPORTS REQUIRED.—

(1) The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress toward meeting these benchmarks is, or is not, being achieved.

(2) The President, having consulted with the Secretary of State, The Secretary of Defense, The Commander, Multi-National Forces-Iraq, the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit the report to Congress.

(3) If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group, as he deems appropriate.

(4) The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria, outlined above.

(5) The reporting requirement detailed in Section 1227 of the National Defense Authorization Act for Fiscal Year 2006 is waived from the date of the enactment of this Act through the period ending 15 September, 2007.

(c) TESTIMONY BEFORE CONGRESS.—

(1) Prior to the submission of the President's second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the Administration, the United States Ambassador to Iraq and the Commander, Multi-National Forces Iraq will be made available to testify in open and closed sessions before the relevant committees of the Congress.

SEC. 3. LIMITATIONS ON AVAILABILITY OF FUNDS

(a) **LIMITATION.**—No funds appropriated or otherwise made available for the "Economic Support Fund" and available for Iraq may be obligated or expended unless and until the President of the United States certifies in the report outlined in subsection (2)(b)(1) above and makes a further certification in the report outlined in subsection (2)(b)(4) above that Iraq is making progress on each of the benchmarks set forth in Section 2 above.

(b) **WAIVER AUTHORITY.**—The President may waive the requirements of this section if he submits to Congress a written certification setting forth a detailed justification for the waiver, which shall include a detailed report describing the actions being taken by the United States to bring the Iraqi government into compliance with the benchmarks set forth in Section 2 above. The certification shall be submitted in unclassified form, but may include a classified annex.

SEC. 4. REDEPLOYMENT OF U.S. FORCES FROM IRAQ.

(a) The President of the United States, in respecting the sovereign rights of the nation

of Iraq, shall direct the orderly redeployment of elements of U.S. forces from Iraq, if the components of the Iraqi government, acting in strict accordance with their respective powers given by the Iraqi Constitution, reach a consensus as recited in a resolution, directing a redeployment of U.S. forces.

SEC. 5. INDEPENDENT ASSESSMENTS.

(a) Assessment by the Comptroller General.

(1) Not later than September 1, 2007, the Comptroller General of the United States shall submit to Congress an independent report setting forth—

(A) the status of the achievement of the benchmarks specified in Section 2 above; and

(B) the Comptroller General's assessment whether or not each such benchmark has been met.

(b) Assessment of the Capabilities of Iraqi Security Forces.

(1) **IN GENERAL.**—There is hereby authorized to be appropriated for the Department of Defense, \$750,000,000, that the Department, in turn, will commission an independent, private-sector entity, which operates as a 501(c)(3), with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(A) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12-18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(B) The training, equipping, command, control and intelligence capabilities, and logistics capacity of the ISF.

(C) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A).

(2) **REPORT.**—Not later than 120 days after the enactment of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations/International Relations, and Intelligence.

SA 1135. Mr. MCCONNELL (for Mr. COCHRAN (for himself, Mr. WARNER, and Mr. BOND)) proposed an amendment to the bill H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ SENSE OF THE SENATE ON FUNDING FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) The President is the commander in chief of the United States Armed Forces.

(2) The United States Armed Forces are currently engaged in military operations in Operation Iraqi Freedom and Operation Enduring Freedom on behalf of the national security interests of the United States.

(3) The funds previously appropriated to continue military operations in Operation Iraqi Freedom and Operation Enduring Freedom are depleted.

(4) The President requested more than 100 days ago supplemental appropriations to continue funding for Operation Iraqi Freedom and Operation Enduring Freedom.

(5) Congress has not passed a supplemental appropriations bill to continue funding for Operation Iraqi Freedom and Operation Enduring Freedom in a manner that the commander in chief believes gives the United States Armed Forces and the Iraqi people the best chance to succeed at establishing a safe, stable, and sustainable democracy in Iraq.

(6) A supplemental appropriations request to fund ongoing combat operations in Operation Iraqi Freedom and Operation Enduring Freedom should remain focused on the war effort by providing the resources necessary for United States troops abroad and in the United States.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that Congress should send legislation to the President providing appropriations for Operation Iraqi Freedom and Operation Enduring Freedom in a manner that the President can sign into law by not later than May 28, 2007.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 17, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on law enforcement in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to announce that the Committee on Small Business and Entrepreneurship will hold a hearing entitled "Minority Entrepreneurship: Assessing the Effectiveness of SBA's Programs for the Minority Business Community," on Tuesday, May 22, 2007, at 10 a.m. in room 428A of the Russell Senate Office Building.

SUBCOMMITTEE ON ENERGY

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 22, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 645, a bill to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals; S. 838, a bill to authorize funding joint ventures between United States and Israeli businesses and academic persons; S. 1089, a bill to amend the Alaska Natural Gas Pipeline Act to follow the Federal Coordinator for Alaska Natural Gas Transportation projects to hire employees more efficiently, and for other purposes; S. 1203, a bill to enhance the management of electricity programs at

the Department of Energy; H.R. 85, a bill to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies; and H.R. 1126, a bill to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Amanda_Kelly@energy.senate.gov.

For further information, please contact Jonathan Epstein at (202) 224-4971 or Amanda Kelly at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, May 15, 2007, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on Short-Term Energy Outlook Summer 2007: Oil and Gasoline.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 15, 2007 at 10 a.m. in Room 406 of the Dirksen Senate Office Building.

Agenda: Hearing on "Green Buildings: Benefits to Health, the Environment, and the Bottom Line."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, May 15, 2007, at 10 a.m. for a hearing titled "Equal Representation in Congress: Providing Voting Rights to the District of Columbia."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part IV" on Tuesday, May 15, 2007 at 10 a.m. in Dirksen Senate Office Building room 226.

Witness List: James B. Comey, Former Deputy Attorney General, United States Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources Subcommittee on National Parks be authorized to hold a hearing during the session of the Senate on Tuesday, May 15, 2007, at 2:30 p.m., in room SD-366 of the Dirksen Senate office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 553, to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System; S. 800, to establish the Niagara Falls National Heritage Area in the State of New York; S. 916, to modify the boundary of the Minidoka Internment National Monument, to establish the Minidoka National Historic Site, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; S. 1057, to amend the Wild and Scenic Rivers Act to designate certain segments of the New River in the States of North Carolina and Virginia as a component of the National Wild and Scenic Rivers System; S. 1209, to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service; S. 1281, to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic River System; H.R. 161, to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington; H.R. 247, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives; and H.R. 376, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RETIREMENT AND AGING

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions' Subcommittee on Retirement and Aging, be authorized to hold a hearing on Alzheimer's disease during the session of the Senate on Tues-

day, May 15, 2007 at 10 a.m. in room 628 of the Senate Dirksen Office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENTS IN TRIBUTE TO SENATOR STEVENS

Mr. REID. Mr. President, I ask unanimous consent that the tribute to Senator STEVENS in the CONGRESSIONAL RECORD be printed as a Senate document and that Senators be permitted to submit statements for inclusion in the RECORD until June 1 of this year.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING MAY 14, 2007, THROUGH MAY 18, 2007, AS "NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK"

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 202.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 202) designating the period beginning on May 14, 2007, and ending on May 18, 2007, as "National Health Information Technology Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 202) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 202

Whereas the Healthcare Information and Management Systems Society has worked collaboratively with more than 48 stakeholder organizations for more than 45 years to transform health care with improved uses of information technology and management systems;

Whereas the Center for Information Technology Leadership estimated that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately \$77,000,000,000 in expenses relating to health care each year;

Whereas the RAND Corporation estimated that, if the health care system of the United States implemented the use of computerized medical records, the system could save the United States more than \$81,000,000,000 each year;

Whereas health care information technology has been shown to improve the quality and safety of the delivery of health care in the United States;

Whereas health care information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the health care system;

Whereas the President and Secretary of Health and Human Services have made a

commitment to leveraging the benefits of the health care information technology and management systems by establishing the Office of the National Coordinator for Health Information Technology and the American Health Information Community;

Whereas Congress has placed an emphasis on improving the quality and safety of the delivery of health care in the United States; and

Whereas organizations across the country have come together to support National Health Information Technology Week to improve public awareness relating to the potential benefits of improved quality and cost efficiency that the health care system could achieve if health information technology were better utilized: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the value of information technology and management systems in transforming health care for all people in the United States;

(2) designates the period beginning on May 14, 2007, and ending on May 18, 2007, as “National Health Information Technology Week”; and

(3) encourages the use of information technology and management systems to transform the health care system in the United States.

RECOGNIZING THE BENEFITS AND IMPORTANCE OF SCHOOL-BASED MUSIC EDUCATION

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H. Con. Res. 121 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 121) recognizing the benefits and importance of school-based music education, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 121) was agreed to.

The preamble was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSION OF APPRECIATION

Mr. REID. Mr. President, first of all, let me express my appreciation to the Presiding Officer, for you and all the staff. I am sorry things take so long.

Believe me, I wish we would have done it more quickly myself. Sometimes you can't. It takes a lot of phone calls.

As I have reminded people, much of what we do in the Senate is done with unanimous consent. That means all Senators have to agree, and there are 100 of us. Senator MCCONNELL and I have been making phone calls to see if we can get this resolved, and I think we are at the point we need to be now. So thank you very much, everybody.

The PRESIDING OFFICER. The Presiding Officer is very happy to be here.

UNANIMOUS-CONSENT AGREEMENT—S. Con. Res. 21

Mr. REID. Mr. President, I ask unanimous consent that it be in order on Thursday, May 17, to proceed to the consideration of the conference report on the budget, if available, notwithstanding provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 1348

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to S. 1348 occur on Monday, May 21, no earlier than 5.30 p.m., and that if cloture is invoked, the motion be agreed to without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. REID. Mr. President, for those who are watching, I have spoken to people doing the negotiating on immigration, and they tell me they are 80 percent of the way. Well, that is fine, but the other 20 percent is hard. I don't think we lose a step by the agreement that we have just had. It will allow the people who have been working on this matter for a number of weeks to have a few more days to do that.

It would be different if we had nothing else to do here, but this will kind of clear the deck so we can, hopefully, complete WRDA, the budget, send something to conference on the supplemental, and then next week we have to do the conference report on the supplemental, which shouldn't take long, and then spend that time, if we can get an agreement, on immigration. That is why we have done what we have done with this consent agreement.

Mr. President, I ask unanimous consent that Senator SESSIONS have up to 3 hours under his control to speak on Monday, May 21; that the hour prior to cloture be reserved for the two leaders or their designees; and that Senator SESSIONS also have 2 hours under his control on Tuesday, May 22, when and if we go to the immigration matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MAY 16, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m. on Wednesday, May 16; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time of the two leaders be reserved for their use later in the day; that the Senate resume consideration of H.R. 1495, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business, and the Republican leader has nothing further, which I understand is correct, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:03 p.m., adjourned until Wednesday, May 16, 2007, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 15, 2007:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID J. MERCER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

NICHOLAS J. ALAGA, JR., 0000
WILLIAM M. ALBIN, 0000
SCOTT D. ALWINE, 0000
WILLIAM A. ANDERSON, JR., 0000
WILLIAM C. APPLEWHITE, JR., 0000
PATRICK A. BACCANARI, 0000
RONALD K. BACH, 0000
JAMES L. BARGE, 0000
DAVID F. BASSETT, 0000
DANIEL M. BAUER, 0000
ROBERT S. BAZAN, 0000
ALAN D. BEAL, 0000
MATTHEW M. BELL, 0000
KEVIN L. BERTENSEN, 0000
CRAIG W. BLADOW, 0000
DEAN R. BLAHA, 0000
DONALD M. BOUCHARD, 0000
ERIC E. BOWMAN, 0000
GLENN R. BRANDENBURG, 0000
JOHN F. BRENNAN, 0000
DENNIS K. BRUCE, 0000
ANDREW D. BUCKON, 0000
THEODORE J. BURGE, 0000
EUGENE E. BURKE, 0000
PATRICK C. BURNS, 0000
JULE B. BUTLER, 0000
RONDA L. BYRNECLARK, 0000
DAVID J. CANTRELL, 0000
JOSEPH R. CHAMPAGNE, 0000
RONALD D. COLLETT, JR., 0000
DAVID P. CONNELLY III, 0000
DAVID D. N. CORLEY, 0000
STUART B. CRAIG, 0000
WILLIAM M. CRANE, 0000
SCOTT G. CRANSTON, 0000
ROBERT K. CREIGHTON III, 0000
DAVID W. CRITCHLEY III, 0000
CARL W. CUSAAC, 0000
RICHARD S. DANN, 0000
JEFFREY C. DAUS, 0000
JEFFREY D. DAVISSON, 0000
KENNETH A. DEAKIN, 0000
CRAIG C. DEBEAUMONT, 0000
TIMOTHY P. DELOACHE, 0000
JAMES K. DICAMPLI, 0000
JAMES P. DIMATTEO, 0000
JOSEPH P. DIPAOLA, JR., 0000
FREEMAN R. DODSWORTH, 0000

MICHAEL E. DOYLE, 0000
 KEVIN L. DUGGAN, 0000
 JAMES D. DUNDORF, 0000
 JAMES E. EPPLÉ, 0000
 ROBERT A. ESPINOSA, 0000
 RONALD A. FARMER, 0000
 DAVID M. FITZGERALD, 0000
 BRUCE M. FOCHT, 0000
 THOMAS F. FOLEY, 0000
 DIRK L. FOSTER, 0000
 MARK M. FREDERICKSON, 0000
 ANDREW R. GALLOTTA, 0000
 RICHARD GASPERONI, JR., 0000
 DAVID M. GEICK, 0000
 BRADLEY N. GEYER, 0000
 MARK GIBBONS, 0000
 WILLIAM GILLCRIST, 0000
 JOHN W. GILMAN, 0000
 ARTHUR W. GLYNN, 0000
 CHRISTOPHER J. GOODE, 0000
 DANIEL I. GRUTA, 0000
 JAMES J. GUZZETTI, 0000
 ROBERT C. HAGGERTY, 0000
 PATRICK J. HAMILTON, 0000
 SCOTT S. HANDLER, 0000
 DUANE E. HARPER, 0000
 SAMUEL R. HARRIS, 0000
 JOHN A. HAYES, 0000
 PAUL A. HECHENBERGER, 0000
 JAMES C. HEYE, 0000
 PATRICK J. HEYE, 0000
 EDWARD H. HILL, 0000
 JAMES F. HILLMAN, 0000
 CHRISTOPHER L. HOLLADAY, 0000
 BRADLEY D. HOLT, 0000
 KIRK D. HORNBERG, 0000
 JEFFREY C. HORNEFF, 0000
 ANDREW L. HOWARD, 0000
 JAMES HUDSON, 0000
 ROBERT J. HUGHES, 0000
 DAVID P. HUNTER, 0000
 THOMAS F. HURLEY II, 0000
 JAMES M. INGALLS, 0000
 MARGARET L. JEFFRIES, 0000
 KEVIN M. JENNE, 0000
 KEVIN R. JOHNSON, 0000
 ANDREW M. JONES, 0000
 COLETTE D. KAMLIN, 0000
 PATRICK O. KENNEDY, 0000
 DWIGHT A. KENNY, 0000
 ROBERT J. KLEIN, 0000
 BRIAN A. KUERBITZ, 0000
 DAVID A. KUNSKY, JR., 0000

THOMAS R. LAND, 0000
 GREGORY R. LARSON, 0000
 BRANDT W. LATIMER, 0000
 ANDREW C. LENNON, 0000
 MARY K. LEWIS, 0000
 MONTGOMERY P. LIU, 0000
 MARK F. LULING, 0000
 ROBERT J. LUMAN, 0000
 MARK A. LUNDE, 0000
 DONALD P. MACNEIL, 0000
 LAWRENCE R. MAGNER, JR., 0000
 BASIL K. MAKRIDIS, 0000
 PHILIP B. MANSER, 0000
 DEREK S. MARTIN, 0000
 KEVIN M. MCCARTHY, 0000
 DAN M. MCCULLEY, 0000
 JAMES H. MCGEE, JR., 0000
 MICHAEL W. MCGEHEE, 0000
 GREGORY J. MCGIFFNEY, 0000
 GREGORY D. MCCLAUGHLIN, 0000
 KERRY M. METZ, 0000
 MICHAEL W. MIDDLETON, 0000
 JACK P. MILLER, 0000
 ALLIE W. MILLIGAN, 0000
 BRIAN MINZENMAYER, 0000
 ROBERT S. MITCHELL, 0000
 CASEY D. MOLONEY, 0000
 DOUGLAS W. MONTGOMERY, 0000
 MICHAEL F. MORRISSEY, 0000
 JOHN G. MOSHER, 0000
 JOHN J. MOYNIHAN, JR., 0000
 ERIC M. MUELLER, 0000
 STEVEN B. MUTZ, 0000
 CHRISTOPHER C. NICOL, 0000
 THOMAS C. O'CONNELL, 0000
 PHILLIP E. OLD, 0000
 THOMAS S. OLIVER III, 0000
 DAVID M. OSEN, 0000
 RONALD L. PAGE, 0000
 CHAD L. PAINTER, 0000
 TIMOTHY J. PANOFF, 0000
 PERRY PARISI, 0000
 MATTHEW S. PAULSON, 0000
 DANIEL G. PEDRO, 0000
 MICHAEL K. PETZOLD, 0000
 MICHAEL P. PITNEY, 0000
 LISA P. POTVIN, 0000
 HENRY M. RAINONE, 0000
 SCOTT A. READY, 0000
 WARREN A. REBARKER, 0000
 THOMAS G. RECK, 0000
 TOMUS S. REDFORD, 0000
 CURTIS S. RENARD, 0000

CHARLES D. RICHTER, 0000
 LAWRENCE D. ROLLO, 0000
 MICHAEL T. ROMINSKI, 0000
 DANIEL M. ROY, 0000
 JOSEPH B. RYAN, 0000
 DANIEL SALAZAR, 0000
 NEIL K. SAWYER, 0000
 WILLIAM E. SCARLING, 0000
 STEPHEN J. SCHAFER, 0000
 KENNETH D. SENER, 0000
 JOSEPH E. SHAFER, 0000
 DEBRA K. SHARITS, 0000
 JAMES A. SHEA, 0000
 DAVID B. SHECKELLS, 0000
 STEPHEN V. SLEEM, 0000
 JOHN W. SNARR, 0000
 MONROE J. J. SPARKS, 0000
 JOSEPH M. SPIVEY IV, 0000
 WILLIAM H. STARR, 0000
 GREGORY F. STEPHENS, 0000
 CATHERINE F. STULTZ, 0000
 MICHAEL D. TERRELL, 0000
 FREDERICK D. THOMPSON, 0000
 JESSE M. TILLMAN III, 0000
 PETER D. TOMASCAK, 0000
 STEVEN C. TULIP, 0000
 TODD A. VALDES, 0000
 DAVID N. VALENTE, 0000
 SCOTT F. VANEK, 0000
 MARC D. VARNEY, 0000
 ROBERTO C. VELASCO, 0000
 LINDA R. D. WACKERMAN, 0000
 JEFFREY L. WAGONER, 0000
 THOMAS E. WALTON, 0000
 KEITH R. WANDER, 0000
 KEITH E. WARNER, 0000
 BRIAN K. WATERHOUSE, 0000
 TODD A. WATERMAN, 0000
 EDWARD T. WATKO, 0000
 JOHN W. WATTS, 0000
 RICHARD H. WHEAT, 0000
 JOHN A. WILL, 0000
 ROBERT R. WILLIAMS, 0000
 WILLIAM T. WILLIAMS, 0000
 WILLIAM A. WIMMER, 0000
 WILLIAM W. WINDLE, 0000
 KARL A. WINTERMEYER, 0000
 BRETT D. WISE, 0000
 TIMOTHY S. WOLTERS, 0000
 EDWARD A. YEASTE, 0000
 ITHAN B. ZIMMER, 0000
 MARK H. ZUHONE, 0000